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ABSTRACT

Presented is Washington's program plan for operating and administering Public Law 94-142, The Education of All Handicapped Children Act, and the Preschool Incentive Grant Proposal for fiscal years 1987-1989. The plan contains submission statements and certificates, written comments received from the public regarding the state plan, and a right to education policy statement. The state's plan for achievement of its full educational opportunity goal is outlined in program areas such as medical services, continuum of alternative placements, occupational therapy, physical education, preschool services, parent counseling/training services, extended school year, severely behaviorally disabled, transitional services, recreational services, and assessment services. Also discussed are regulations and procedures for child identification, individual education programs, procedural safeguards, least restrictive environment, protection in evaluation procedures, personnel development, participation of private school children, placement in private schools, recovery of funds for misclassified students, and annual evaluations. A compliance manual provides information on monitoring the requirements of state regulations. Also included is a report of the staff positions, administrative activities, and services provided by Part B funds. Appendices contain a report of a special education inservice needs survey, nonpublic school/agency approval procedures, the state's funding application for Part B funds, and amendments to the state plan. (JDD)

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## State of Washington

# THREE YEAR
# PROGRAM PLAN
# Public Law 94-142

## Providing Programs and Services to Children with Handicapping Conditions

## 1987-1989

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STATE OF WASHINGTON

# THREE YEAR PROGRAM PLAN

PUBLIC LAW 94-142

# PROVIDING PROGRAMS AND SERVICES TO CHILDREN WITH HANDICAPPING CONDITIONS

1987-1989

DR. FRANK B. BROUILLET

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

OLYMPIA

# STATE OF WASHINGTON

## STATE PLAN SUBMISSION

## FISCAL YEARS 1987-1989

## TABLE OF CONTENTS

### Submission Statements and Certificates

Page

A. SUBMISSION STATEMENT.......................................i

B. ASSURANCE STATEMENTS.......................................ii

C. GENERAL STATE APPLICATION - EDGAR ASSURANCE...................iii

D. CERTIFICATIONS REQUIRED BY EDGAR...........................iv

E. GOVERNOR'S OPPORTUNITY TO COMMENT...........................v

F. CIVIL RIGHTS CERTIFICATE.....................................vi

### Substantive Requirements

PART I.

A. POLICIES, PROCEDURES, AND DESCRIPTIONS........................ 7

PART II

B. REPORT OF HOW PART B FUNDS WILL BE USED.......................126

## Part I - Submission Statements and Certifications

### A. SUBMISSION STATEMENT

I, the undersigned authorized official of the State Education Agency of Washington, hereby submit the following State Plan for Fiscal Years under Part B of the Education of the Handicapped Act, as amended.

Frank B. Brouillet by
Charles R. Marshall, Deputy
Signature of authorized official

April 29, 1986
Date

Frank B. Brouillet
State Superintendent of Public Instruction
Typed name and title

Washington

(State)

B. ASSURANCE STATEMENTS

The State of Washington makes the following assurances and provisions as required by Part B of the Education of the Handicapped Act, as amended (20 U.S.C. 1411-1420):

I. In carrying out the requirements of 20 U.S.C. 1412, procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children (20 U.S.C. 1412(7)(A)).

II. Programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including sections 146 and 147 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2771-2772) and section 122 of the Vocational Education Act of 1963 (20 U.S.C. 1232), under which there is specific authority for the provision of assistance for the education of handicapped children, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs (20 U.S.C. 1413(a)(2)).

III. Federal funds made available under the Act (A) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case to supplant such State and local funds, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the Secretary may waive in part the requirement of this clause if he concurs with the evidence provided by the State (20 U.S.C. 1413(a)(9)).

IV. The State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, which (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under the Act and (C) assists the State in developing and reporting such data and evaluations as may assist the Secretary in the performance of his responsibilities under 20 U.S.C. 1418 (20 U.S.C. 1413(a)(12)).

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Washington
(State)

## C. GENERAL STATE APPLICATION - EDGAR ASSURANCE

The State educational agency has submitted to the Secretary a certified general application containing the assurances set out in 34 CFR 76.101 and this application is consistent with current Federal and State law.

__X__ YES    ________ NO

If no, then submit assurances consistent with 34 CFR 76.101

Washington

(State)

## E. GOVERNOR'S OPPORTUNITY TO COMMENT

This State has given the Governor at least 45 days to comment on this plan before submitting the plan to the United States Secretary of Education (34 CFR 76.105).

______The Governor's comments are attached to this plan.

__X___The Governor did not comment on this plan.

# CIVIL RIGHTS CERTIFICATE

## ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AND THE AGE DISCRIMINATION ACT OF 1975

The applicant provides this assurance in consideration of and for the purpose of obtaining Federal grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Education.

The applicant assures that it will comply with:

1. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d *et seq.*, which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

2. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.

3. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 *et seq.*, which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance.

4. The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

5. All regulations, guidelines, and standards lawfully adopted under the above statutes by the United States Department of Education.

The applicant agrees that compliance with this Assurance constitutes a condition of continued receipt of Federal financial assistance, and that it is binding upon the applicant, its successors, transferees, and assignees for the period during which such assistance is provided. The applicant further assures that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education programs or activities are not discriminating in violation of the above statutes, regulations, guidelines, and standards against those students or employees. In the event of failure to comply the applicant understands that assistance can be terminated and the applicant denied the right to receive further assistance. The applicant also understands that the Department of Education may at its discretion seek a court order requiring compliance with the terms of the Assurance or seek other appropriate judicial relief.

The person or persons whose signature(s) appear(s) below is/are authorized to sign this application, and to commit the applicant to the above provisions.

4/29/86
Date

Authorized Official(s)

Frank B. Brouillet
Name of Applicant or Recipient

Superintendent of
Public Instruction
Street

Old Capitol Building - FG-11
Olympia, Washington 98504
City, State, Zip Code

**Publication and public comments on Three Year State Plan:**

The Three Year State plan was announced in the following newspapers in the State of Washington:

See attached letter.

Two state-wide hearings were scheduled and held for the purpose of receiving public testimony regarding the state plan. Hearings were held in the following locations:

Educational Service District 101, Spokane Washington. 7:00PM, April 2, 1986
Educational Service District 121, Seattle, Washington. 7:00PM, April 3, 1986

Sign up sheets for those hearings are available.

Copies of the state plan were distributed to the following Educational Service Districts for reveiw by the general public:

Educational Service District 101
Educational Service District 105
Educational Service District 112
Educational Service District 113
Educational Service District 114
Educational Service District 121
Educational Service District 123
Educational Service District 171
Educational Service District 189.

The public comment period was from February 28, 1986 and April 15, 1986. The comments received and their inclusion the state plan are attached.

SPI
DR FRANK B. BROUILLET
Superintendent of Public Instruction

April 24, 1986

Mr. John Brattain
Division of Special Services
and Professional Programs
Office of Superintendent of
Public Instruction
Olympia, Washington 98504

Dear John:

This letter will serve as affidavit of publication/media notification of public hearings on the Proposed 1987-89 Program Plan for Title VI, Part B (PL 94-142 and PL 98-199) Education of the Handicapped Act and the Preschool Incentive Grant Proposal.

Distribution of the notice to the media was mailed on February 18, 1986 to 312 newspapers, radio and television stations statewide. In addition, the notice was hand-carried to the Capitol Press Corps which includes the AP and UPI wire services.

The notice also appeared in the agency publication, Your Public Schools, which has a 76,000 circulation.

If you need further information, please contact me at 753-7298.

Sincerely,

Charlotte

Charlotte A. Manning
Communications Director

CAM:nj

OSPI

DR FRANK B BROUILLET — Superintendent of Public Instruction

FOR IMMEDIATE RELEASE — Contact: Charlotte Manning

February 18, 1986 — (206) 753-6725

## PUBLIC HEARINGS TO BE HELD ON HANDICAPPED PROGRAM PLAN AND PRESCHOOL INCENTIVE GRANT PROPOSAL

OLYMPIA--Dr. Frank B. Brouillet, Superintendent of Public Instruction, announced today that public hearings will be held on the Proposed 1987-89 Program Plan for Title VI, Part B (PL 94-142 and PL 98-199) Education of the Handicapped Act and the Preschool Incentive Grant Proposal.

The Division of Special Services of the Superintendent's office will conduct public hearings to review the Program Plan for fiscal years 1987-89 for the Education of the Handicapped Act as amended by PL 94-142 and PL 98-199. The plan is the basis for operating and administering programs to serve handicapped children in the State of Washington. Copies of the Program Plan will be available on February 28, 1986.

The Division's hearings will also include the Preschool Incentive Grant Proposal which is funded by the same legislation. This plan governs the administration of funds designated to improve and enhance the delivery of programs to serve children with handicapping conditions aged birth through 5 years.

Brouillet said school personnel, parents and members of the general public are encouraged to attend the hearings. An opportunity to provide comments on the contents of these Program Plans will be provided at the hearings and written comments may be submitted in advance to OSPI before April 1. Copies of the plans may be obtained by contacting the Division of Special Services, OSPI, Old Capitol Building, FG-11, Olympia, WA 98504 or by calling (206) 753-6733.

THE PUBLIC HEARINGS ARE SCHEDULED AS FOLLOWS:

April 2, 7:00 p.m. -- Educational Service District 101
W. 1025 Indiana
Spokane, WA.
(509) 456-7688

-more-

April 3, 7:00 p.m. -- Educational Service District 121
14110 S. 200th St.
Seattle, WA.
(206) 242-9400

Low vision aid equipment is available at the above locations for use in reviewing the proposed Program Plan and the Preschool Incentive Grant.

# # # # #

# WRITTEN COMMENTS RECEIVED FROM THE PUBLIC REGARDING THE STATE PLAN FOR 1987-89 FISCAL YEARS.

Each of the written comments is displayed below, with a corresponding section indicating the location of the resolution in the state plan or indicating the activities that are taking place in the SEA to accommodate the suggestion.

Comment: (local Director of Special Education) I recommend that the Office of the Superintendent of Public Instruction utilize some of the federal monies that it receives to study the feasibility of moving children who are multihandicapped, blind, deaf, deaf-blind, orthopedically impaired, and moderately and severely mentally retarded from the developmentally handicapped category to the severely developmentally handicapped category and fund these children on the same basis as if they were six years old.

Response: The study of the funding system is an on-going activity that is the function of the State Special Education Advisory Council and the State Director of Special Education. Given the state basic education support for children aged six and above, and the excess cost nature of the state's special education funding system, children under the age of six are funded in a seperate category in order for the district to receive the equivalent of the basic education funding for those children. Funding those severely handicapped children as though they were six years old would lose the basic education allocation to the special education program.

The definition and funding pattern for developmentally handicapped students under the age of six is currently under study by the OSPI.

Comment: (local Director of Special Education) I further recommend that OSPI study the feasability of regionalizing services for "low incidence" handicapped children and revising the funding system to allow such regionalization to occur without penalty to either serving or sending districts.

Response: OSPI has funded a project in the ESD 121 area to study the regionalization of high school programs for the hearing impaired. Several such regionalized programs for low incidence children exist state wide with districts receiving funding based on the handicapped funding formula. The Special Education Advisory Council in its ongoing study of the funding formula will continue to review the requests from the field for such reconsideration. See page 148.

Comment: (parent) It would be helpful to include terminal Cystic Fibrosis children in the definition of Health Impaired children.

Response: Children with Cystic Fibrosis who were in need of special education would be eligible for funding as Health Impaired children under current regulations. (See WAC 392-171-401)

Comment: (parent) It would be so helpful to parents and teachers if the administrators had special education degrees.

Response: A certificate for special education administrators is available in the State of Washington. The qualifications of administrative staff is the responsiblity of the local board of education. The Special Education Advisory Council is engaged in on-going reveiw of qualification of special education personnel.

Comment: (parent) Most parents I have talked to feel that they need good low cost counseling offered to them to help them cope.

Response: The OSPI funds the Parent Community Relations project which is designed to provide referral services to parents in the area of counselling. Inservice training includes parent training components. The OSPI funds the annual "You are the Expert" conference to assist in the networking process for parents. Counselling for parents as it relates to the individual need of handicapped children would be included in each child's IEP. (See page 30)

Comment: (parent) A multidisciplinary-team should include the parents of the child in the transition process in order for it to go smoothly for the child, parents and teacher.

Response: The Full Educational Opportunity Goal in the area of Transition (See page 34) includes plans for the development of individual transition plans for handicapped children. Such plans would be developed by teams which include the parents of handicapped children. The ET and T project is based on inclusion of parents in the planning process for the transition of handicapped children.

Comment: (parent) Keep checking to see how the local districts are carrying out their FEOG plans. Also check to see the ratio of OT/PT to students and the ype of students being servied. Severe or mild students. Some students are needing more OT/PT time than is being provided to progress to any level.

Response: FEOG plans are subject to annual review in the annual application for PL 94-142 funds. Districts must update those plans annually. See the state FEOG statement in the area of OT/PT for the activities planned for that area.

## PART I. RIGHT TO EDUCATION POLICY STATEMENT

### A. GOAL STATEMENT

The Revised Code of Washington 28A.13 and the Washington Administrative Code (392-171) mandate a right to education for all handicapped children three to 21 and applies to all agencies in the state which provide for the education of handicapped children. This includes handicapped children placed in state institutions and developmental centers.

> **RCW 28A.13.005 Purpose.** It is the purpose of this chapter, RCW 28A.24.100 and 28A.41.053 to ensure that all handicapped children as defined in RCW 28A.13.010 shall have the opportunity for an appropriate education at public expense as guaranteed to them by the Constitution of this state.
>
> **RCW 28A.13.010 Division for handicapped children created—"Handicapped children" and "appropriate education" defined--Approval when child under jurisdiction of juvenile court.** There is established in the office of the superintendent of public instruction a division of special education for handicapped children, to be known as the division for handicapped children.
>
> Handicapped children are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of emotional maladjustment, or by reason of other handicap, and those children who have specific learning and language disabilities resulting from perceptual-motor handicaps, including problems in visual and auditory perception and integration.
>
> The superintendent of public instruction shall require each school district in the state to insure an appropriate educational opportunity for all handicapped children of common school age. The superintendent of public instruction, by rule and regulation, shall establish for the purpose of excess cost funding, as provided in this chapter, RCW 28A.24.100 and 28A.41.053, functional definitions of the various types of handicapping conditions and eligibility criteria for handicapped programs. For the purposes of this chapter, an appropriate education is defined as an education directed to the unique needs, abilities, and limitations of the handicapped children.
>
> This section shall not be construed as in any way limiting the powers of local school districts set forth in RCW 28A.13.050.

No child shall be removed from the jurisdiction of juvenile court for training or education under this chapter without the approval of the superior court of the county.

**WAC 392-171-325 STUDENTS' RIGHTS TO SPECIAL EDUCATION PROGRAMS.**

(1) Each school district shall provide every handicapped student between the age of three and twenty-one a free and appropriate educational program consisting of special education and related services. The date of eligibility to begin receiving such services shall be the child's birthdate: PROVIDED, That handicapped children between the age of three and four need not be served until the 1985-86 school year.

(2) School districts may provide special education and related services to handicapped students in the zero to one, one, two, three and/or four year old age groups without being obligated to extend preschool programs to non-handicapped children. However, if a school district provides an education to any nonhandicapped child in the zero to three year old age group, the district shall make special education and related services available pursuant to this chapter to all its handicapped students of the same age: PROVIDED, That school districts that do not offer services to all eligible three year old handicapped children in the 1984-85 school year shall be subject to this nondiscriminatory service requirement.

(3) Any student made a focus of concern shall qualify pursuant to the disability definitions and criteria set forth in this chapter in order to receive state or federal special education funding. A handicapped student shall remain eligible for special eduction and related services until: (a) The student has met high school graduation requirements established by the school district pursuant to rules of the state board of education; or (b) the student has reached age twenty-one; or (c) the student is no longer in need of special education and related services as judged by the student's multidisciplinary team based upon a reassessment of the student, whichever occurs first. The student may continue to receive special education and related services: PROVIDED, That a reassessment of the student concludes that, notwithstanding the fact that the student no longer meets the initial eligibility criteria, the student's performance is or will be adversely affected if he or she is terminated from special education.

**WAC 392-171-310 DEFINITIONS OF "FREE APPROPRIATE, PUBLIC EDUCATION," "ADULT STUDENT," "HANDICAPPED STUDENT," "PARENT," AND "SCHOOL DISTRICT." As used in this chapter:**

(1) "Free appropriate, public education" means special education and related services which:

(a) Are provided at public expense, under local school district supervision and direction, and without charge;

(b) Meet the standards of the state educational agency, including the requirements of this chapter; and

(c) Are provided in conformity with an individualized education program which meet the requirements of WAC 392-171-461.

(2) "Adult student" means a handicapped student or a student who is eighteen, nineteen, or twenty years of age, except as provided for in WAC 392-171-331, and who has not been judged incompetent by a court of law or otherwise judged by a court of law as being incapable of assuming and exercising the rights, duties and responsibilities otherwise granted to and imposed upon parents by this chapter (a student shall assume and be entitled to exercise all rights, duties and responsibilities otherwise granted to or imposed upon parents by this chapter upon attaining the age of eighteen and shall retain and be entitled to exercise the same until he or she has been judged incompetent or otherwise incapable of exercising the same by a court of law).

(3) "handicapped student" and "student" (depending upon the context in which the terms are used) mean:

(a) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 392-171-381 through 392-171-451 and to be in need of special education and related services; or

(b) A person under the age of twenty-one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC 392-171-381 through 392-171-451 in the judgement of the school district superintendent or his or her designee, or the parent(s), or the adult student; or

(c) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who resides in a residential school for the handicapped in accordance with RCW 28A.58.770 et seq.

(d) The foregoing categories of persons--notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."

(4) "Parent" means a natural parent, a legal guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 392-171-581, who represents a non-adult student. The term does not include the state if the child is a ward of the state.

(5) "School district" means:

(a) Each public school district in the state;

(b) Each educational service district that provides special education or related services to one or more handicapped students; and

(c) Each public or private organization or entity or person who provides special education and/or related services to one or more handicapped students in behalf of a public school district--even though such public school district, educational service district, or public or private organization or entity or person does not receive federal funds made available for the purposes of the Education for All Handicapped Children Act.

**WAC 392-171-381 DEFINITION AND ELIGIBILITY CRITERIA FOR DEVELOPMENTALLY HANDICAPPED.** Definition and eligibility criteria for developmentally handicapped are as follows:

(1) As used in this chapter, the term "developmentally handicapped" shall mean children under the age of eligibility to the first grade who meet the definition and eligibility criteria for one of the following:

(a) WAC 392-171-382, Developmentally delayed;
(b) WAC 392-171-396, Orthopedically impaired;
(c) WAC 392-171-401, Health impaired;
(d) WAC 392-171-436, Deaf;
(e) WAC 392-171-441, Hard of hearing;
(f) WAC 392-171-446, Visually handicapped; and
(g) WAC 392-171-451, Deaf-blind.

(2) The term "developmentally handicapped" does not include children under the age of eligibility for entry to the first grade who qualify solely for communications disorder services under WAC 392-171-391.

**WAC 392-171-382 DEFINITION AND ELIGIBILITY CRITERIA FOR DEVELOPMENTALLY DELAYED.** Definition and eligibility criteria for developmentally delayed are as follows:

(1) Developmentally delayed, birth to three years. As used in this chapter, the term "developmentally delayed, birth to three years" shall mean those children under three years of age who demonstrate a 1.5 standard deviation of 25% delay in the developmental delay area of cognitive (WAC 392-171-383(1)), communication (WAC 392-171-383(2)), fine motor (WAC 392-171-383(3)), gross motor (WAC 392-171-383(4)), motor which for the purpose of this section shall be combined delay area of fine motor (WAC 392-171-383(3)) and gross motor (WAC 392-171-383(4)). Such children in order to continue to be eligible for special education and related services after reaching three years of age shall meet the entry eligibility criteria for developmentally delayed, three to six years or one of the other eligibility criteria specified in WAC 392-171-381;

(2) Developmentally delayed, three to six years. As used in this chapter, the term "developmentally delayed, three to six years" shall mean those children between three years and the age of eligibility for entry to first grade who receive a score on standardized norm-referenced test with a test-retest or split half reliability of .80 that is at least:

(a) Two standard deviations below the mean in one or more of the five developmental delay areas defined in WAC 392-171-383; or

(b) One and one-half standard deviations below the mean in two or more of the five developmental delay areas defined in WAC 392-171-383.

**WAC 392-171-383 AREAS OF DEVELOPMENTAL DELAY — DEFINITIONS.** The five developmental delay areas for the purpose of applying eligibility criteria to developmentally delayed children are:

(1) Cognitive: Comprehending, remembering, and making sense out of one's experience. Cognitive ability is the ability to think and is often thought of in terms of intelligence;

(2) Communication: The ability to effectively use or understand, age-appropriate language, including vocabulary, grammar, and speech sounds;

(3) Fine motor: Motor skills requiring precise, coordinated use of the small muscles;

(4) Gross motor: Motor skills used for body control such as standing, walking, balance and climbing; and

(5) Social/emotional: The ability to develop and maintain functional interpersonal relationships and to exhibit age appropriate social and emotional behaviors.

**WAC 392-171-384 DISTINCTION BETWEEN DEVELOPMENTALLY HANDICAPPED AND COMMUNICATION DISORDER--REASSESSMENT OF DEVELOPMENTALLY DELAYED UPON ENTRY TO FIRST GRADE.**

(1) Except for children who qualify solely for communications disorder services under WAC 392-171-391, children under the age of eligibility for entry to first grade, in order to be eligible for special education and related services, shall meet the eligibility criteria for one of the handicapping conditions specified in WAC 392-171-381.

(2) Children under the age of eligibility to first grade, who qualify for special education as developmentally delayed under WAC 392-171-382 shall not qualify for special education and related services upon entry to first grade until a reassessment is conducted and a determination is made that the student qualifies under the provisions of one of the other handicapping conditions in this chapter.

**WAC 392-171-386 DEFINITION AND ELIGIBILITY CRITERIA FOR SERIOUSLY BEHAVIORALLY DISABLED.**

(1) Seriously behaviorally disabled students are those who exhibit one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects their own educational performance:

(a) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) A general pervasive mood of unhappiness or depression; or

(e) A tendency to develop physical symptoms or fears associated with personal or school problems.

(2) The term includes students who are schizophrenic. The term does not include students who are socially maladjusted, unless it is determined that they are also seriously behaviorally disabled. Students whose primary disability is identified in another handicapping category do not qualify as seriously behaviorally disabled.

(3) All students considered for initial placement in special education as seriously behaviorally disabled shall be assessed by a multidisciplinary team including at least one school psychologist or school social worker and determined as eligible for special education and related services according to the following:

(a) A current school district evaluation which concludes that the student has a serious behavioral disability and which considers and describes the student's social and emotional behaviors and provides any implications for educational planning.

(b) For the purposes of establishing that the student has a behavioral disability, the evaluation shall describe behaviors which distinguish between common disciplinary problem behaviors and serious behavioral disabilities. Common disciplinary problem behaviors (e.g., truancy, smoking, breaking school conduct rules) may exist in conjunction with serious behavioral disabilities, but cannot be used as the sole criteria for recommending special education and related services.

The evaluation shall include:

(i) Dated and signed documented anecdotal records of behavioral observations made by two or more persons at separate times and places, each of which cite and corroborate specific behaviors which, in the aggregate, provide foundation for probable concern for serious behavioral disability. Multiple settings are required (e.g., in addition to the classroom setting consider playground, cafeteria, school bus, hallway, etc.); and

(ii) Dated and signed documented evidence of at least two intervention techniques that have been tried and the effect of each. These interventions may include, but are not limited to, changes in student's regular class schedule, curriculum, and/or teacher, school counseling, community agency therapy, or counseling; and

(iii) A social or developmental history compiled directly from the parent(s) and/or records, when parents are not available.

(c) Current assessment of level of academic or cognitive achievement as measured by standardized tests appropriate to age level and administered individually.

(d) A current vision and hearing screening report.

**WAC 392-171-391 - COMMUNICATION DISORDERED.** A student shall be considered to have a communication disorder if there is present a documented communication disorder such as stuttering, voice disorder, language impairment, and/or impaired articulation which adversely affects a student's educational performance. The assessment procedures and eligibility standards outlined in this section apply to those students whose only handicapping condition is a communication disorder.

All students considered for initial placement in special education as communication disordered shall be assessed and determined eligible for special education and related services according to the following:

(1) A current hearing screening report;

(2) A current description of level of educational or cognitive development provided by the classroom teacher or where available by standardized tests communication problem(s) in those areas affected by the speech including a discussion of existing or potential impact of the problem(s) on educational performance; and

(3) A current assessment of the level of speech and/or language development as measured by standardized tests or professionally recognized procedures, scales, or checklists appropriate to the student's age level and mode of communication, individually administered, and which considers sex, dialect norms, social-cultural environment, and behaviors: PROVIDED, That for children under the age of eligibility for entry to the first grade the assessment shall include development acquisition of speech and language. Such measures shall result in one or more of the following findings that the student:

(a) Achieves a rating of moderate or severe on a standardized articulation test that yields a severity rating, and/or misarticulates in comparison to developmental norms five or more unrelated phonemes each in two or more positions (initial, medial, or final) for children under the age of eligibility for entry to the first grade, three or more unrelated phonemes for students age six through age seven, or one or more for students over age seven, with consideration given to the student's speech intelligibility, physical ability, and/or therapy history.

(b) Has a delay in receptive and/or expressive language such that functioning is one year or more below chronological age for students up through age eight or functioning is two-thirds of chronological age or below for students over age eight.

(c) Has interruptions or dysfluencies in more than one speaking situation such as repetitions, prolongations, blockage in flow of speech, struggle, or avoidance behaviors which interfere with communication or are inconsistent with age or development.

(d) Has a deviation in voice quality, pitch, loudness characterized by abusive vocal habits, or interference with communication, or is inconsistent with age or development, or demonstrates chronic hoarseness for duration of three weeks or more.

Whenever appropriate, referral for medical and/or psychological and/or other evaluations shall be made and the results considered in the assessment of the student's suspected handicapping condition.

**WAC 392-171-396 - ORTHOPEDICALLY IMPAIRED.** Orthopedically impaired students are those who lack normal function of muscles, joints, or bones due to congenital anomaly, disease, or permanent injury, and such condition adversely affects their educational performance.

All students considered for initial placement in special education as orthopedically impaired shall be assessed and determined eligible for special education and related services according to the following:

(1) A current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstances and provides any medical implications for educational planning;

(2) Current assessment of level of academic achievement measured by standardized tests appropriate to age level and administered individually;

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning, including an evaluation of adaptive behavior by standardized instrument(s) or professionally recognized scales where there are no known standardized measures, which addresses the student's self-help and interpersonal communication skills in relation to chronological age/grade peers;

(4) A current physical therapy and/or occupational therapy evaluation which considers and describes implications for therapy as a part of educational planning; and

(5) A current vision and hearing screening report.

**WAC 392-171-401 DEFINITION AND ELIGIBILITY CRITERIA FOR HEALTH IMPAIRED.** Health impaired students are those who have chronic or acute health problems--such as students with serious congenital heart defect, other congenital syndrome(s), other disorders of the cardiorespiratory systems, disorders of the central nervous system including epilepsy or neurological impairment, autism or other profound health circumstances or degenerative condition(s)--which adversly affects or with a high degree of professional certainty will affect their educational performance.

All students considered for initial placement in special education as health impaired shall be assessed and determined eligible for special education and related services according to the following;

(1) A current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstances and which provides any medical implications for educational planning;

(2) Current assessment of level of academic achievement measured by standardized tests appropriate to age level and administered individually;

(3) A current evaluation which considers and describes the student's social and emotional behavior and which provides implications for educational planning which may include an evaluation of adaptive behaviors as measured by standardized instrument(s) or professionally recognized scales addressing the student's self-help and interpersonal communication skills in relation to chronological age/grade peers; and

(4) A current vision and hearing screening report.

**WAC 392-171-411 SPECIFIC LEARNING DISABILITY-ASSESSMENT PROCEDURES AND ELIGIBILITY CRITERIA.** Assessment procedures and eligibility standards: All students considered for initial placement in special education as specific learning disabled shall be assessed and determined eligible for special education and related services according to the following:

(1) A current assessment of sufficient scope to rule out eligibility for any other handicapping condition and to rule out environmental, cultural, or economic factors as an explanation for the specific academic problem;

(2) A current vision and hearing screening report shall be obtained and shall be of sufficient scope to rule out vision or hearing acuity as an explanation for the specific academic problem;

(3) A written record of observation of the student's learning behaviors in the regular education program and the relationships of these behaviors to the specific academic problem shall be completed by a member of the assessment team other than the student's regular education teacher; and

(4) Written documentation that the student has an academic achievement problem in the regular education program shall be available. Such documentation shall include, if applicable, previous intervention attempts and the results obtained. Examples of data used for documentation may include:

(a) Student performance on daily classroom work and/or criterion-referenced tests;

(b) Summary of past student performances;

(c) Group test results;

(d) Teacher observation and judgments; and

(e) Performance on student learning objectives.

(5) Documentation of the existence of a severe discrepancy between the student's intellectual ability and academic achievement in one or more of the seven areas specified in WAC 392-171-406 shall be recorded. Such documentation shall conform to the requirements of WAC 392-171-413 or 392-171-418, whichever is applicable.

(6) Tests used to assess the student's intellectual ability and academic achievement shall be:

(a) Current;

(b) Reliable as demonstrated by a reliability coefficient of .85 or above;

(c) Normed on representative national samples;

(d) Selected and administered in accordance with the general requirements of WAC 392-171-351; and

(e) Individually administered and interpreted by a qualified person (defined in WAC 392-171-351) in accordance with the standardized procedures described in the test manuals.

**WAC 392-171-412 DISCREPANCY TABLES FOR DETERMINING SEVERE DISCREPANCY UNDER WAC 392-171-413.** The superintendent of public instruction shall develop and publish discrepancy tables for the purpose of determining a severe discrepancy between intellectual ability and academic achievement pursuant to WAC 392-171-413. Such tables shall be developed on the basis of a regressed standard score discrepancy method which shall consider the following variables:

(1) The reliability coefficient of the intellectual ability test;

(2) The reliability coefficient of the academic achievement test; and

(3) An appropriate correlation between the intellectual ability and the academic achievement tests.

The regressed standard score discrepancy method shall be applied at a criterion level of 1.55.

**WAC 392-171-413 METHOD OF DOCUMENTING SEVERE DISCREPANCY--GRADES ONE AND ABOVE.**

(1) For students in grades one and above, a severe discrepancy shall be determined and documented from tables developed pursuant to WAC 392-171-412.

(2) For the purposes of applying the severe discrepancy tables, the following scores shall be used:

(a) A total or full scale intellectual ability score; and

(b) An academic achievement test score which can be converted into a standard score with a mean of one hundred and a standard deviation of fifteen.

(c) A severe discrepancy between the student's intellectual ability and academic achievement in one or more of the seven areas provided for in WAC 392-171-406 shall be determined by applying the regressed standard score discrepancy method to the obtained intellectual ability and achievement test scores using the tables referenced above: PROVIDED, That where the assessment results do not appear to accurately represent the student's ability and where the discrepancy between the student's intellectual ability and academic achievement does not initially appear to be severe upon application of the discrepancy tables, WAC 392-171-412, the multidisciplinary team shall apply professional judgment in order to determine the presence of a severe discrepancy. In this event, the multidisciplinary team shall document in writing a narrative explanation as to why the student has a severe discrepancy. The multidisciplinary team must provide supportive evidence, including the procedures used to determine that a severe discrepancy exists between the student's intellectual ability and academic achievement: PROVIDED FUTHER, That if the prohibition against the use of specific tests or test results as provided in WAC 392-171-351(4) shall preclude the use of any of the tests referenced above, the multidisciplinary team shall document in a written narrative the basis upon which the members decided that there exists a severe discrepancy between intellectual ability and achievement.

**WAC 392-171-418 ADDITIONAL METHOD FOR DOCUMENTING SEVERE DISCREPANCY--GRADES SEVEN AND ABOVE.** For a student in grades seven and above not found eligible under WAC 392-171-413 as a specific learning disabled student, the existence of a severe discrepancy between that student's intellectual ability and academic achievement shall be determined and documented as follows:

(1) An intellectual ability test shall be administered.

(2) An academic achievement test in one or more of the seven areas described in WAC 392-171-406 shall be administered.

(3) The student's chronological age/grade (CAG) performance in one or more of the academic achievement areas provided for in the definition shall be adjusted for expectations due to variance in intellectual functioning. The expected performance adjusted for intellectual functioning shall then be compared to the results of the actual achievement measures, the results of which must yield:

(a) A functioning level of two-thirds or below of expected performance; and

(b) A functioning level below chronological age/grade.

(4) If the results of the above comparison for a particular student indicate a functioning level of two-thirds or below of expected performance and a functioning level below chronological age/grade level in one or more of the seven areas described in WAC 392-171-406, a severe discrepancy has been documented.

**WAC 392-171-421 DEFINITION AND ELIGIBILITY CRITERIA FOR MENTAL RETARDATION.** Mentally retarded students are those who demonstrate significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects their educational performance.

(1) Assessment procedures. All students considered for initial placement in special education as mentally retarded shall be assessed and determined eligible for special education and related services according to the following:

(a) A current assessment of intellectual functioning obtained from a standardized individual test designed to measure intellectual functioning, individually administered by a qualified psychologist and interpreted and attested to as to validity by a qualified psychologist; and

(b) A current evaluation which considers and describes adaptive behavior as measured by standardized instrument(s), or professionally recognized scales where there are no known standardized measures, which discusses any implications for educational planning; and

(c) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually; and

(d) A developmental history compiled directly from the parent(s), or records, when parents are not available; and

(e) A current vision and hearing screening report.

(2) Eligibility standards. The measured level of functioning is to be classified as follows:

(a) Mild mental retardation. Intellectual functioning (IQ) range from approximately 51 through 75 and the following conditions:

(i) Academic functioning equal to three-fourths or less of chronological age/grade; and

(ii) Adaptive behavior equal to three-fourths or less of chronological age/grade.

(c) Severe/profound mental retardation. Intellectual functioning (IQ) range under 30 and the following:

(i) Academic functioning equal to one-third or less of chronological age/grade; and

(ii) Adaptive behavior equal to one-third or less of chronological age/grade.

**WAC 392-171-431 DEFINITION AND ELIGIBILITY CRITERIA FOR MULTIHANDICAPPED.** A student shall be considered multi-handicapped when there are present and documented two or more handicapped conditions, each of which is so severe as to warrant a special program were that handicapped condition to appear in special isolation, and the combination of which causes such severe educational problems that the student requires intensive programming cannot be accommodated in special education programs solely for one of the impairments. Students who are deaf-blind are not included as multihandicapped. (See WAC 392-171-451.) Students who are classified as specific learning disability in combination with another handicapping condition shall not be eligible to be counted for state funding purposes as multihandicapped.
Assessment procedures and eligibility standards: All students considered for initial placement in special education as multihandicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) Assessment procedures for each handicapped condition have been followed, the results of which document eligibility for inclusion in special education were each handicap to appear in isolation; and

(2) Summary statements in the assessment analysis report document that the effect of the multiplicity of handicaps is so severe that the student cannot be accommodated in special education programs solely for one of the impairments.

**WAC 392-171-436 DEFINITION AND ELIGIBILITY CRITERIA FOR DEAF.** Deaf student are those students who have a documented hearing impairment which is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

All students considered for initial placement in special education as deaf shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist which describes and confirms that the hearing impairment is so severe that student is impaired in processing linguistic information through hearing, with or without amplification and which prevents the auditory channel from being the primary mode of learning speech and language and adversely affects education performance;

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning;

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually; and

(5) A current vision screening report.

**WAC 392-171-441 DEFINITION AND ELIGIBILITY FOR HARD OF HEARING.** Hard of hearing students are students who have a hearing impairment, whether permanent or fluctuating, which adversely affects the student's educational performance.

All students considered for initial placement in special education as hard of hearing shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist which describes and confirms that the student:

(a)Has an organic hearing loss in excess of 30 dB better ear average in the speech range (500, 1,000, 2,000Hz), unaided; or

(b) Has a history of fluctuating hearing loss which has interrupted the normal acquisition of speech and language and continues to be a part of educational planning.

(2) A current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation which describes and confirms the student's social and emotional behaviors and which provides any implications for educational planning.

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

(5) A current vision screening report.

Each school district shall ensure that the hearing aids worn by deaf and hearing impaired students in school are functioning properly.

**WAC 392-171-446 DEFINITION AND ELIGIBILITY CRITERIA FOR VISUALLY HANDICAPPED.** Visually handicapped students are those students who have a visual impairment which even with correction, adversely affects the student's educational performance. The term includes both partly sighted and blind students.

All students considered for initial placement in special education as visually handicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified vision specialist or physician which describes and confirms that the student:

(a) Has visual acuity of 20/70 or less in the better eye with correction; or

(b) Has a field of vision which at its widest diameter subtends an angle of no greater than twenty degrees in the better eye with correction.

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning.

**WAC 392-171-451 DEFINITION AND ELIGIBILITY CRITERIA FOR DEAF-BLIND.** Deaf-blind students are those whose hearing and vision impairments, in combination, cause such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind students.

All students considered for initial placement in special education as deaf-blind shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist and vision specialist or physician which describes and confirms that the vision and hearing impairments, in combination, cause such severe communication and other developmental and educational problems that the students cannot be accommodated in special education programs solely for deaf or blind students.

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning; and

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

## B. APPLICATION OF STATE POLICY TO ALL AGENCIES

The requirement of WAC 392-171 apply to each agency providing services to handicapped students. The definition of "school district" for purposes of WAC 392-171 is: "Each public or private person, organization or entity that provides special education and/or related services to one or more handicapped students in behalf of a public school district - even though a public school, educational service district, or public or private organization or entity of person does not receive federal funds made available for the purposes of the Education for All Handicapped Children Act, WAC 392-171-310(5)(c). Therefore, all public agencies serving handicapped children in behalf of school districts fall under the requirements of WAC 392-171.

The Revised Code of Washington (RCW 72.05.240) addresses educational facilities in youth institutions. The statute requires that educational programs "...shall conform to the usual standards defined by law or regulations of the State Board of Education of the Office of the State Superintendent of Public Instruction..." This statute requires conformance on the part of state institutions with regulations of the Superintendent of Public Instruction. WAC 392-171 is a part of the rules of the OSPI with which institutional education programs must comply.

State operated institutions, schools and community based provider agencies assure compliance with PL 94-142. The Interagency Cooperative Agreement with the Department of Social and Health Services (DSHS) and the Statement of Assurance by DSHS detail those compliance assurances and are Appendix E.

Effective Fall, 1979, title 28A.58.RCW implemented by statute a mandatory requirement that SOP's for handicapped children shall be the responsibility of the school district in which the facility is located. The LEA application assurances apply to these institutional programs operated by the LEA.

Therefore, all agencies, whether providing services on behalf of a local school district or having responsibility for the educational programs themselves, fall under the same requirements as local schools.

## II. FULL EDUCATIONAL OPPORTUNITIES GOAL AND TIMETABLES

### A. GOAL STATEMENT

The State of Washington reaffirms its goal of providing full educational opportunity to all handicapped children guaranteed to them by the Constitution of this State and defined by RCW 28A.13.010.

### B. POLICY AND PROCEDURES

The State of Washington in Chapter 392-171, Washington Administrative Code, has clarified the mandate for a free and appropriate education for all children ages 3 or 21 years. For children ages 0 to 3, the State will fund all districts which elect to operate a program within these ages through State Special Education funds.

An additional interagency agreement has been developed whereby the Department of Social and Health Services and the Office of the Superintendent of Public Instruction agree to the following:

1. DSHS assumes the major responsibilities for providing social, health, educational and related services to handicapped children, ages 0-2, and their families.

2. LEAs shall continue to provide educational and related services for eligible handicapped children, ages 0-3, at the discretion of the local district with the state funding at a 100% excess cost level.

# FULL EDUCATIONAL OPPORTUNITY GOAL
## 1987-1989 STATE PLAN

I. **PROGRAM AREA:** MEDICAL SERVICES

**Description of Programs/Services In Need of Improvement:**

Improved educational environment for medically fragile handicapped children are needed to insure the safety and appropriate educational services to a small number of children who may currently be in placements that subject them to some risk or who are in environments that may be overly restrictive.

**Plans for Improving These Services:**

OSPI will during the period of this plan, initiate an expert panel to study the issues involved and to design guidelines for local district administrators who are dealing with placement decisions and the level of staffing to apply to medically fragile children who are appropriately placed in the public school setting. The guidelines will be concerned with the safety of the children so placed, the appropriate and efficient deployment of support staff and related services and meeting the child's needs in the least restrictive environment.

**Estimated Number of Children in Need of These Improved Programs:**

0-2 3

3-5 3

6-11 9

12-17 7

18-21 1

**Explain how these estimates were made:**
It is anticipated that less than one percent of the children in the health impaired category require the services discussed above. It is anticipated further than putting in place the the service will have benefit to the consideration of FAPE for other health impaired children.

**Estimated Personnel Needed to Provide These Services:**

| Type | Number Needed |
|---|---|
| School Nurse (RN) | 5 |
| Lic. Practical Nurse (LPN) | 5 |
| Nursing Assistants | 10 |

**Explain how these estimates were made:**
It is anticipated that the guidelines will call for a greater level of staffing for these children than is currently being provided. The case may well be that the current levels of programming are appropriate and that no further personnel will be required. It is anticipated that these children will be distributed geographically and will therefore require staff disproportionately to their numbers.

## FULL EDUCATIONAL OPPORTUNITY GOAL
## 1987-1989 STATE PLAN

**I. PROGRAM AREA:** Continuum of Alternative Placements

**Description of Programs/Services In Need of Improvement:**

Services to students with mild handicapping conditions (LD, Mild Mental Retardation, and Severe Emotional Disability) are generally categorically distinct, uncoordinated with other support service. (e.g. Chapter I-Disadvantaged, State Remediation programs) and based upon the "pull-out" model of service delivery. It is Washington's goal to better coordinate special education with the other support services and more effectively link these services to the regular education classroom.

**Plans for Improving These Services:**

Through state leadership, the state will utilize a cooperative grant system to encourage, fund and evaluate more coordinated/linked services at the LEA level. The state shall also produce and disseminate documents to include: a) research base for change; b) specific topical guides (e.g. peer tutoring, pre-referral systems, etc.); c) general procedural guides for implementing change; and d) staff development suggestions and resources. The SEA will also work closely with the various professional and advocacy groups to facilitate with group training and information sharing. Additionally, the SEA will provide direct technical assistance to LEAs, review state rules and funding systems, and support workshops and training sessions on a statewide basis. Lastly, the SEA will establish a resource network of people and materials for use by LEAs in adapting current delivery systems to produce more coordinated and classroom based programs.

**Estimated Number of Children in Need of These Improved Programs:**

| | |
|---|---|
| 0-2 | |
| 3-5 | |
| 6-11 | 16,866 |
| 12-17 | 21,980 |
| 18-21 | 1,762 |

**Explain how these estimates were made:**
Total number of students labeled "learning disabled" and "mildly mentally retarded" and .50 of the students labeled "Behaviorally Disabled" on state counts of handicapped children December 1985.

**Estimated Personnel Needed to Provide These Services:**

| Type | Number Needed |
|---|---|

**Explain how these estimates were made:**
This goal can be met through a reallocation and/or reassignment of current personnel.

I. **PROGRAM AREA:** Continuum of Alternative Placements (Continued)

**Local District FEOG Plans:**

Local districts developed FEOG statements in the area of enhancing a continuum of alternative placements and improving instructional options for handicapped children. The SEA reviews these FEOG Plans as it distributes fiscal and human resources throughout LEAs and ESDs. The SEA is committed to assisting LEAs in meeting these FEOG Plans.

## FULL EDUCATIONAL OPPORTUNITY GOAL
## 1987-1989 STATE PLAN

### I. PROGRAM AREA: Occupational Therapy

**Description of Programs/Services In Need of Improvement:**

There appears to be a measureable shortage of Occupational Therapists available in the state of Washington for employment by local school districts. Districts report that the shortage of such personnel is having an effect on their ability to provide FAPE for handicapped children.

**Plans for Improving These Services:**

The state of Washington will enter into discussion with the Association of Trainers of Special Education Personnel to determine methods of increasing the numbers of students in the preservice education programs at the colleges and universities in the state. Discussions are currently underway to enhance the communication between colleges and universities and the LEAs to more closely match the personnel needs of the LEAs with the training capabilities of the IHEs.

**Estimated Number of Children in Need of These Improved Programs:**

| | |
|---|---|
| 0-2 | 190 |
| 3-5 | 192 |
| 6-11 | 396 |
| 12-17 | 246 |
| 18-21 | 20 |

**Explain how these estimates were made:**
It is assumed that given the statewide shortage of OT/PTs, that as a minimum, all orthopedically impaired students would benefit from such program improvement

**Estimated Personnel Needed to Provide These Services:**

| Type | Number Needed |
|---|---|
| Occupational Therapists | 20 |
| Physical Therapists | 20 |

**Explain how these estimates were made:**
At a ratio of 25.1, personnel needs were assumed for a student population of 1,044.

**Local District FEOG Plans:**

Local Districts and Collaboratives submitted FEOG Plans in the area of OT/PT services with the application for flow-through funds for the 1985-86 school year. The SEA considers these Plans as it deploys fiscal and human resources through the Educational Service Districts and LEAs. The state of Washington recognizes its committment to assist local districts and collaboratives in reaching their FEOG Plans.

## FULL EDUCATIONAL OPPORTUNITY GOAL
## 1987-1989 STATE PLAN

I. **PROGRAM AREA:** Physical Education

**Description of Programs/Services In Need of Improvement:**

Adaptive physical education needs to be extended to the preschool populations being identified and added to the special education service delivery systems available in the state. Adaptive physical education needs to be integrated into the developmental curricula for these populations. Physical education programs at the secondary level need to have an emphasis on community based recreation and leisure activities for the successful transition of secondary handicapped students into the adult world.

**Plans for Improving These Services:**

During the period of this plan the state of Washington will focus on the inservice needs of special education teachers and administrators to enhance their ability to integrate adaptive physical education programs into the existing special education programs and to encourage the development of an adaptive special education program in emerging programs.

The infusion of physical education programs at the secondary programs is spelled out in the FEOG section entitled "Transitional and Vocational Programs". Key to the development of this area is the adoption statewide of the E.T. and T. program which is a part of that plan.

**Estimated Number of Children in Need of These Improved Programs:**

0-2 3,636

3-5 3,636

6-11 ________

12-17 ________

18-21 13,580

**Explain how these estimates were made:**
Estimates are based on current incidence of handicapped children ages 3, 4, and 5.

**Estimated Personnel Needed to Provide These Services:**

| Type | Number Needed |
|---|---|
| Physical Ed. Consultant | 9 |

**Explain how these estimates were made:**
Estimate is based on one consultant for each Educational Service District.

**Local District FEOG Plans:**
The Local Districts and collaborative FEOG statements in the area of adaptive physical education were attached to the application for flow-through funds for the 1985-86 school year. The SEA considers these Plans in the aggregate at decisions regarding the deployment of fiscal and human resources is made in cooperation with ESDs and Local Districts. It is the intention of the state of Washington to continue to support these plans at the local level.

## FULL EDUCATIONAL OPPORTUNITY GOAL
## 1987-1989 STATE PLAN

I. **PROGRAM AREA:** Least Restrictive Environment

**Description of Programs/Services In Need of Improvement:**

As an ongoing review of educational environments for special education programs the Special Education Advisory Council has identified the need for close study of the restrictiveness of segregated facilities. The SEAC has appointed a committee to review construction plans for special education facilities to determine that the need for the least restrictive educational environment is being provided. Fewer than ten sites statewide have been identified for further study and recommendations to local districts. There is a need for ongoing review and study of the issues involved in the correction of restrictive educational environments.

**Plans for Improving These Services:**

The state of Washington will commit resources to the ongoing activities of the SEAC Least Restrictive Environment committee and will work with Educational Service Districts and Local Educational Agencies to provide technical assistance and support services to districts eliminating segregated or restrictive environments.

**Estimated Number of Children in Need of These Improved Programs:**

0-2
3-5
6-11 558
12-17 558
18-21 372

**Explain how these estimates were made:**
These estimates are based on the enrollments of the children in segregated or restrictive educational environments as identified by the Special Education Advisory Council's committee on Least Restrictive Environments. (Ten sites, average 150 students per site.)

**Estimated Personnel Needed to Provide These Services:**

| Type | Number Needed |
|---|---|
| None | |

**Explain how these estimates were made:**
It is anticipated that no additional personnel will be needed to remove handicapped children from facilities which may not provide the least restrictive educational environment.

**Local District FEOG Plans:**

FEOG Plans were developed by LEAs and collaboratives for attachment to their application for flow-through funding. The SEA considers these Plans in the distribution and deployment of fiscal and human resources to ESDs and LEAs throughout the three year planning period. It is the intention of the SEA to support LEAs and collaboratives in meeting their FEOG Plans.

## FULL EDUCATIONAL OPPORTUNITY GOAL
## 1987-1989 STATE PLAN

**I. PROGRAM AREA:** Preschool Services

**Description of Programs/Services In Need of Improvement:**

The state of Washington maintains its ongoing committment to the development of special education services to all handicapped children from birth to age 21. Following legislation to mandate services to handicapped children aged 3 and 4 years, the SEA has turned its attention to full implementation. Inasmuch as service to children from birth to age three remains permissive, the state of Washington will continue to provide funding, technical assistance and support through the regional service agencies (ESDs) to encourage and assist local districts in their efforts to serve this population.

**Plans for Improving These Services:**

The details of this activity are included in the Preschool Incentive Grant Proposal which is submitted under separate cover.

**Estimated Number of Children in Need of These Improved Programs:**

0-2

3-5

6-11

12-17

18-21

**Explain how these estimates were made:**
These estimates were obtained by projecting the number of children by handicapping condition in each of the age groups currently served by special education programs in the state in mandatory age groups.

**Estimated Personnel Needed to Provide These Services:**

| Type | Number Needed |
|---|---|

**Explain how these estimates were made:**
These estimates were obtained by projecting experiential data for the services currently being provided to children in age groups currently mandated for special education services.

**Local District FEOG Plans:**

FEOG statements were submitted by LEAs and Collaboratives as a part of their application for flow-through funding. The SEA will consider these plans as it deploys fiscal and human resources through technical assistance and support services through the Educational Service districts.

# FULL EDUCATIONAL OPPORTUNITY GOAL
# 1987-1989 STATE PLAN

## I. PROGRAM AREA: Parent Counseling/Training Services

**Description of Programs/Services In Need of Improvement:**

The state of Washington recognizes an ongoing need to continue the educational, counseling, and support activities for parent of handicapped children statewide. Without a well trained parent support group, the programs developed for handicapped children in local districts will not succeed. Parents who are aware of the programs and services available to their children will insure statewide that those services are in place and will continue to improve.

Parents of children in the rural and remote areas of the state of Washington have long been recognized as having an unequal access to the educational and counseling services provided to their peers in the more metropolitan areas. Approximately one-fourth of the handicapped students in the state reside in areas that would be identified as rural and remote, spread over a large geographic area with considerable geographic barriers between them and the services of the metropolitan areas.

**Plans for Improving These Services:**

To the extent possible, given the restraints on state discretionary funds, the state of Washington will continue to fund the objectives contained in the Parent/Community Support Project. (See Use of VI-B Funds). During the period of this plan, the state will continue to focus on the training needs of parent and advocacy organizations and will continue to assist these organizations to meet their objectives.

The state of Washington will continue to implement the rural and remote parent training project begun during the 1985-86 school year. To the extent that the evaluation of effectiveness of this project yields results that are consistant with the outlay of discretionary funds, the project will be continued through the duration of this planning period.

**Estimated Number of Children in Need of These Improved Programs:**

**Explain how these estimates were made:**
It is anticipated that all handicapped children in the state of Washington will benefit from the efforts of the state with regard to the parent counseling and training activities.

**Estimated Personnel Needed to Provide These Services:**

| Type | Number Needed |
|---|---|
| Parent Trainer | 1 |

**Explain how these estimates were made:**
To carry out the additional objectives of the rural and remote parent training project, it has been projected that at least one additional parent trainer will be required.

## FULL EDUCATIONAL OPPORTUNITY GOAL
## 1987-1989 STATE PLAN

I. **PROGRAM AREA:** Extended School Year

**Description of Programs/Services In Need of Improvement:**

To assist school districts in establishing a more uniform student selection process for extended school year and aid in the dissemination and replication of effective district programs and practices.

**Plans for Improving These Services:**

Working jointly with the Washington Association of School Administrators the state will provide technical assistance to local districts as they strive to improve the identification of students in need of extended school year services. The state will continue to work with WASA to survey district practices to include district policies, assessment procedures, program structures and components, and cost effectiveness information.

**Estimated Number of Children in Need of These Improved Programs:**

0-2 203

3-5 203

6-11 407

12-17 407

18-21 271

**Explain how these estimates were made:**
Needs projected at 2% of total handicapped population at each age category.

**Estimated Personnel Needed to Provide These Services:**

| Type | Number Needed |
|---|---|
| None | |

**Explain how these estimates were made:**
Experimental data indicate that existing personnel are able to provide for ESY needs.

**Local District FEOG Plans:**

FEOG tables from LEA applications for flow-through funds are submitted annually to the SEA. The SEA and ESDs will review these tables as the distribution of fiscal and human resources is made. Technical Assistance and support will be offered to local districts as they attempt to implement these plans.

## FULL EDUCATIONAL OPPORTUNITY GOAL
## 1987-1989 STATE PLAN

I. **PROGRAM AREA:** SBD Services

**Description of Programs/Services In Need of Improvement:**

For the past two years the state of Washington, through the Office of Superintendent of Public Instruction has funded a study of the needs and numbers of Severely Behaviorally Disabled students in the state. That study has identified the need for increased identification, diagnosis, and special education and related services for a large number of school aged children across the state. (See executive summary--Appendix C)

Major findings of that study include: 1) That criteria which are used to determine eligibility for receiving special services were idiosyncratic to each district, MDT, and even to which school psychologist conducted the assessment; 2) That there was a lack of consistent and systematic assessment procedures across districts; 3) That there is a lack of an organizing framework or model for delivery of services, and; 4) That respondents to the questionnaires preceived inservice training (a vital component of any comprehensive plan) as a "weak link". The state recognizes and agrees with the need stated in this study and has mounted an effort to meet the needs of the numbers of students suggested by this study.

**Plans for Improving These Services:**

The Office of Superintendent of Public Instruction has initiated a statewide committee to meet during the Spring of 1986 for the purpose of reviewing the two-years of study, to confirm or alter the recommendations of the study, and to determine the direction the state will go in implementation of the study's recommendations.

It is recommended that the implementation of the study will include but not be limited to: 1) The prioritization of discretionary funds at the state level to provide for increased services to SBD students; 2) The continuation to some degree, the technical assistance to LEAs currently being provided through the Educational Service Districts, three of which currently have SBD specialist acting as consultants to local districts and the remainder (six ESDs) which have grants to provide technical assistance or inservice education through brokering of funds provided by the state; 3) A review of the eligibility standards contained in WAC 392-171 to determine the need for any revision of such standards to correctly identify children needing special education and related services; 4) A review of the assessment and diagnosis processes employed statewide to determine the need for greater consistency and accuracy in the process of identification of children needing services; and 5) A review of the need for interagency agreements among the agencies in the state providing services to SBD students and their families.

This study committee is made up of representatives from the local school districts, advocacy and parent organizations, educational service districts currently providing services to SBD children and state office personnel.

I. **PROGRAM AREA:** SED Services (Continued)

The on-going nature of the process for review of the study and the determination of future directions makes inclusion of specific program plans to be included in this area of the state plan. It is expected that the first report of this committee will be available on or before September 1986

**Estimated Number of Children in Need of These Improved Programs:**

0-2 2,120

3-5 2,120

6-11 2,120

12-17 2,120

18-21 2,120

**Explain how these estimates were made:**
The SED survey reported that respondents indicated 10,600 additional children who need improved services.

**Estimated Personnel Needed to Provide These Services:**

| Type | Number Needed |
|---|---|
| Unknown | |

**Explain how these estimates were made:**
The state is currently focusing on the SED needs statewide. Given the scope of the problem identified, until further study is made, accurate estimates of staff need is not possible. Such needs, when identified will be reported with annual data tables.

# FULL EDUCATIONAL OPPORTUNITY GOAL
# 1987-1989 STATE PLAN

I. **PROGRAM AREA:** Transitional Services

**Description of Programs/Services In Need of Improvement:**

Transition occurs at all levels along the educational continuum: from initial identification to preschool placement, from preschool to elementary, from elementary to middle school/junior high, from middle school junior high to high school and from high school to post school services. At any point three issues must be considered: 1) the quality of the sending program/service, 2) the linkage process, and 3) the quality of the receiving program/service.

Currently in operation are several models for preschool transition and a statewide planning grant is underway for at risk/developmentally disabled children age 0-6. At the secondary level, schools are beginning to take a hard look at the follow-up data of their special education graduates. This data reflects that many such students still leave school unprepared for work and independent or supported community living. As such, schools are questioning the effectiveness of the secondary curriculum, the level of training of existing staff, the role of the secondary teacher, the relationship between special education and regular education, and the current level of interagency planning. Teachers, administrators and parents each need information regarding the adult service agencies and the available community work and living options.

Projects currently underway are looking both at the quality of the secondary program, effective linkages to adult services, and advocating for creating new "work" options.

**Plans for Improving These Services:**

1. With assistance from CCSSO (Council of Chief State School Officers), OSPI will develop a comprehensive interagency state plan to address transitional issues for students of preschool and secondary age.
2. Efforts will be made to redefine "excellence" in secondary school programs through inservice, model demonstration projects (such as ET&T) and compiling information on secondary curricula.
3. High School programs for students with severe handicaps will be developed to emphasize functional training and preparation to live, work and participate in the community.
4. A statewide tracking/follow-up system will be adapted/adopted for use by LEAs.
5. Inservice opportunities will be provided to teachers, parents, and administrators on interagency coordination, the role of DDD and DVR, and transition planning.
6. Best practice strategies from state projects on curriculum, interagency coordination and transition planning will be summarized and made available to LEAs and parent organizations.
7. LEAs will be encouraged and or mandated to develop individual transition plans for each special education student before graduation or age 21.

1. **PROGRAM AREA:** Transitional Services (Continued)

8. Develop effective transition planning for students with low incidence handicapping conditions.

Employment Training and Transition Project (ET&T): This project is a joint effort of the Office of the Superintendent of Public Instruction and the University of Oregon to improve the quality of services to high school students with moderate/severe handicaps throughout the state of Washington. The importance of transition is reflected in an effective school program and curriculum as well as joint transition planning while students are still in school. By demonstrating that students can develop the skills to successfully work and live in the community, schools and parents advocate with adult agency provider to create the increased job and living options that must be available to students upon graduation.

The Employment Training and Transition Project (ET&T) is a replication of a successful model project field tested in Oregon. It is based on the assumption that programs for high school students with severe disabilities should be integrated, age-appropriate, community referenced, comprehensive, effective, future oriented and responsive to parents. These assumptions were derived from the values of normalization research, and best practice strategies. As a standarized model, ET&T has developed a set of standards and measurable outcomes for each of these values. This ensures an objective means of quantifying the impact/success of high school programming efforts. Model components include:

1. A curriculum catalog organized to reflect the important opportunities and demands of integrated community environments rather than goals from academic sequences or developmental pinpoints;
2. IEP procedures that follow a negotiation format and result in activity goals in work, leisure, and independent living domains;
3. Instruction which emphasizes general case programming procedures and techniques for community-based training;
4. Classroom organizational procedures that create a classroom schedule based on student IEPs, utilize peer tutors, schedule regular contact with parents, and provide measures of overall classroom effectiveness;
5. Administrative policies and procedures that support community-based training efforts; and
6. Procedures for planning the transition from school to adult services so that services are comprehensive, reflect parent/family priorities, and continue uninterrupted.

As the name suggests, ET&T will expand and refine the components of "employment training" and "transition". Students are involved in exploring a variety of job formats (individual jobs, crews, and central sites) as well as sampling a variety of job clusters. Parents, school staff, and agencies will be involved in a formal transition plan which emphasizes comprehensive services and joint responsibility. Eight to ten classrooms will serve as demonstration sites throughout the life of the project. Staff will receive support through technical assistance and quarterly reviews of their efforts toward completion of the model components.

I. **PROGRAM AREA:** Transitional Services (Continued)

The second part of the project involves cumulative inservice training. A statewide inservice day and a more intensive Summer Institute will provide opportunities for both general and indepth training in model components and current topics in transition, job development, and secondary programming.

**Estimated Number of Children in Need of These Improved Programs:**

0-2

3-5

6-11

12-17

18-21 13,580

**Explain how these estimates were made:**
Estimates are based on the number of students per age level currently reported. It is assumed that the secondary level students would be the target of these services.

**Estimated Personnel Needed to Provide These Services:**

| Type | Number Needed |
|---|---|

**Explain how these estimates were made:**
Rather than requiring a substantial increase in personnel, current personnel for secondary aged students need to be retrained through courses and intensive inservice. Addition of job placement specialist/transition liaison specialists may enhance transition efforts. Infant programs may require additional staffing if included as an option by a district.

# FULL EDUCATIONAL OPPORTUNITY GOAL
# 1987-1989 STATE PLAN

I. **PROGRAM AREA:** Recreational Services

**Description of Programs/Services In Need of Improvement:**

Appropriate use of leisure/recreational time is critical for students of all levels and ages of disability. Especially in the secondary years, opportunities need to be made available for students to access local community leisure activities and programs. Overemphasis on specialized programs, such as Special Olympics, should not preclude teachers from preparing students to effectively use their leisure time at home and in the community.

While not exluding students with handicaps, extracurricular recreational activities in the regular program are often "self-limiting." New options need to be developed at the elementary and secondary levels to insure that students with disabilities have access to sufficient, age appropriate and integrated leisure/recreation options.

**Plans for Improving These Services:**

1. Increase teacher/support staff training in awareness of the need to actively teach reacreation/leisure skills to all students regardless of handicapping conditions.
2. Create new options for on campus, age appropriate, integrated leisure/recreational opportunities for students with handicaps including non competitive sports.
3. Inform/inservice teachers of students with moderate/severe disabilities of the importance of community leisure training as well as classroom training in curriculum development.
4. Schools will be encouraged to work with local parks and recreation programs in developing new community reacreation options.

**Estimated Number of Children in Need of These Improved Programs:**

| | |
|---|---|
| 0-2 | 210 |
| 3-5 | 220 |
| 6-11 | 497 |
| 12-17 | 398 |
| 18-21 | 124 |

**Explain how these estimates were made:**
Estimates were projected from statewide handicapped enrollment - all students in multi handicapped categories are assumed to need these improvements.

I. **PROGRAM AREA:** Recreational Services (Continued)

**Estimated Personnel Needed to Provide These Services:**

| Type | Number Needed |
|---|---|
| No new personnel | |

**Explain how these estimates were made:**
Current physical education staff may need to be retrained to prepare students for life-long recreational skill development both at school and in the community.

## FULL EDUCATIONAL OPPORTUNITY GOAL
## 1987-1989 STATE PLAN

I. **PROGRAM AREA:** Assessment Services

**Description of Programs/Services In Need of Improvement:**

Improved skills in making professional judgements in reference to the assessment and identification of students as handicapped, particularly those students who have mild educational problems but who may or may not need special education services. It is difficult at best to operationalize the exclusionary criterion of the learning disabilities regulation requiring the Multidisciplinary Team to rule out cultural, environmental, and economic factors other handicapping conditions and/or lack of opportunity to learn as an explanation for the student's learning problems. In addition, given the changing demography of our population (increase in poor economic conditions, child abuse and growth in minority populations, many with limited english proficiency, etc.) this need will become even greater. There are also a number of low achieving students performing commensurate with ability.

**Plans for Improving These Services:**

SPI has initiated a field panel of professionals with expertise in assessment. Members include school psychologist, special education director, education specialist, teachers, regular education administrators, and consultants from higher education. This panel participated in an intensive two day working conference on professional judgement. Representatives of the panel will be reconvened to further develop and refine content presented at the working conference. This information will then be used as a basis for an inservice training package to be presented statewide. The content will also be used to revise the technical assistance manual for the identification of students of learning disabled.

**Estimated Number of Children in Need of These Improved Programs:**

0-2

3-5

6-11

12-17

18-21

**Explain how these estimates were made:** It is estimated that about 1/2 of the 34,000 students currently identified as LD may require the services described above. Also included are the new referrals from the preschool and the school age population and possibly some students identified under other handicapping conditions such as health impaired.

I. **PROGRAM AREA:** Assessment Services (Continued)

**Estimated Personnel Needed to Provide These Services:**

| Type | Number Needed | |
|---|---|---|
| NEEDING TRAINING: | | |
| State SPI Staff | 10 | |
| ESD SPED Staff | 30 | |
| School Psychologist/ Educational Specialist | 1,000 | |
| SPED Directors | 100 | |
| Teachers | ? | |
| Reg Ed Administrators | 1,000 | (All Principals/Some Superintendents) |

**Explain how these estimates were made:**
Includes all the state and ESD special education staff and estimated psychologists and educational specialists.
Includes the whole population of special education directors and principals.

## FULL EDUCATIONAL OPPORTUNITY GOAL
## 1987-1989 STATE PLAN

**I. PROGRAM AREA:** Additional FEOG Summaries

**Description of Programs/Services In Need of Improvement:**

The following areas were reviewed by the SEA special education personnel and FEOG statements for each were felt to be subsumed under other areas of the state plan. For further discussion of the FEOG needs in each of the areas listed, please refer to the sections indicated immediately following the area.

| | |
|---|---|
| Physical Therapy: | Comprehensive System of Personnel Development |
| Counseling Services: | FEOG Plan for SBD Students<br>CSPD |
| School Health Services: | Medical Services |
| School Social Work: | CSPD<br>FEOG Plan for SBD Students<br>FEOG Plan for Parent Counseling/Training |
| Speech/Language Services: | CSPD<br>Preschool Incentive Plan |
| Transportation Services: | Transportation is considered in each of the FEOG statements proposing additional service populations. |

**Estimated Number of Children in Need of These Improved Programs and Estimated Personnel:**

The numbers of students needing these services and the number of personnel needed to implement are imbedded in the FEOG statement in each area.

**Local District FEOG Plans:**

FEOG plans are submitted by the Local Districts and Collaboratives as a part of their application of flow-through funds for each school year. The SEA considers these FEOG plans in distribution of fiscal and human resources to ESDs and LEAs. The SEA is committed to supporting LEAs and Collaboratives in attaining their FEOG plans.

## B. STATE STANDARD

**WAC 392-171-336 CHILDFIND.** The local district shall conduct childfind activities to locate and identify students with a suspected handicapping condition who are residing within the boundaries of the district and not currently receiving special education services. Childfind activities shall apply to students age 0 to 21 and may include, but are not necessarily limited to: preschool developmental screening, local media informational campaigns, liaison with public health and other medical and social agencies, public or private, questionnaire for first-time enrolling students, screening of district-wide group standardized test results, inservice education to teaching staff, and cooperation as requested with state childfind programs.

## C. AGENCIES RESPONSIBLE FOR CHILD IDENTIFICATION

The Office of the Superintendent of Public Instruction, Division of Special Services is responsible for providing the leadership in all state child identification efforts. The OSPI provides technical assistance, funding, training and evaluation to agencies responsible for child identification. In addition, the Educational Service Districts provide information and technical assistance towards these efforts. The LEAs are responsible for developing and maintaining continuous child identification activities at the local level.

## D. STATE ACCOMPLISHMENTS IN CHILD IDENTIFICATION

1. Existing awareness materials will be updated as necessary and maintained in a supply sufficient to meet the needs of local education agencies and other cooperating agencies in the state.

2. New awareness materials will be developed to meet identified needs.

3. Existing and new awareness materials will be distributed upon request or determination of need.

   Materials were made available to local education agencies and Educational Service Districts upon request. The manual and update to the childfind manual distributed to all LEAs and ESDs in Washington State.

4. Awareness activities will be conducted and/or supported as needs are determined and opportunities identified.

   Support and technical assistance was provided to local education agencies, although local education agencies assumed on-going responsibilities for child identification as outlined in their local applications.

5. Administrative support will be provided to continue and develop interagency, regional and local identification/location support.

   There has been administrative support and technical assistance in the development of inter-agency support, such as the Department of Social and Health Services, Office of Superintendent of Public Instruction Interagency Agreement, which includes child identification. Further, the Office of Superintendent of Public Instruction has completed an interagency agreement with the Administration for Children, Youth and Families which includes provisions for childfind activities.

6. Training will be provided as necessary in maintenance of the maintenance of the existing identification/location referral system.

   Training and technical assistance has been available upon request to local education agencies. Special training at regional and local meetings have been scheduled to include a review of the manual and packets for organizing local education agency activities. Training and technical assistance is an on-going statewide activity. The SEA also utilizes the assistance and expertise of the ESD inservice coordinators in providing training to LEAs.

## E. MONITORING OF CHILD IDENTIFICATION ACTIVITIES

**SEE MONITORING SECTION**

## IV. INDIVIDUAL EDUCATION PROGRAM

## A. GOAL STATEMENT

The state of Washington assures that individualized education programs are developed for each handicapped child before special education is provided, that these IEPs are reviewed/revised at least annually and that all applicable agencies shall maintain records to show these requirements are met.

## B. STATE STANDARDS

**WAC 392-171-456 MEETINGS.**

(1) A meeting shall be held within thirty calendar days after the date upon which a student's assessment is completed for the purpose of developing the student's individualized education program. The school district shall initiate and conduct the meeting and shall include the following participants:

(a) A representative of the school district other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's regular classroom teacher or special education teacher or therapist: PROVIDED, That either the representative of the school district or the teacher or therapist is qualified in the area of the student's suspected disability;

(c) One or both of the parents (in the case of a nonadult student), subject to subsections (2) through (5) of this section;

(d) The student if he or she is an adult student (and in the case of nonadult students, the student, if appropriate);

(e) A member of the student's assessment team; and

(f) Other individuals at the discretion of the district or the parent or the adult student.

(2) Each school district shall take steps to assure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded ther opportunity to participate, including: (a) Notifying the parent(s) of the meeting early enough to assure his or her participation; and (b) Scheduling the meeting at a mutually agreed upon place and time.

(3) The notice to the parent(s) shall include the purpose, time, location of the meeting and who will be in attendance.

(4) If a parent cannot attend, the district shall use other methods to assure participation, including individual or conference telephone calls.

(5) A meeting may be conducted (in the case of nonadult student) without a parent in attendance if the school district is unable to convince the parents they should attend. In such a case the school district shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parents and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and results of those visits.

(6) The school district shall take whatever action is necessary to assure that the parent (or adult student) understands the proceedings at the meeting, including arranging for an interpreter for parents (or adult students) who are deaf or whose native language is other than English.

(7) The district shall document the parent(s) and other IEP participants' presence at the IEP meeting.

(8) Meetings consistent with this section shall be conducted by the school district at least once a year for the purpose of reviewing and revising as necessary each student's individualized education program. Meetings may be held more frequently.

(9) In the case of students admitted to state residential schools, an assessment and individualized education program must be completed as provided in this chapter within fifty school days of enrollment.

**WAC 392-171-461 Individualized Education Program.**

(1) Each handicapped student's individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(a) For each orthopedically impaired and health impaired student under the age of eligibility to first grade, current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstance and which provides any medical implications for educational planning;

(b) A statement of the student's present levels of educational performance;

(c) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(d) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education. If the student is unable to participate in the regular physical education program, a description of the specially designed physical education to be provided to the student shall be included;

(e) The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate: PROVIDED, That if the career development and/or vocational education is specially designed instruction, goals and short term instructional objectives shall be included;

(f) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, the number of hours per day, and the length of the school year over which such services shall be provided: PROVIDED, That in the event the individualized educational program is the first in the district for such student and the multidisciplinary team has not made a determination as to the need for an extended school year for such child, the individualized educational program team shall make its recommendation on the length of the school year over which such services shall be provided prior to the conclusion of the regular one hundred eighty school days; and

(g) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

(2) The school district shall provide the parent (or the adult student) a copy of the individualized education program.

> (3) Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.

Federal regulations require that each public agency develop and implement individualized education programs for each handicapped child who is placed in or referred to a private school by a public agency or is enrolled in a private school and receives services from a public agency (300.341).

The requirements of WAC 392-171 apply to each agency providing services to handicapped students. The definition of "school district" for purposes of WAC 392-171 is: "Each public or private person, organization or entity that provides special education or related services to one or more handicapped students in behalf of a public school district -- even though public school district, such as an educational service district, or such a public or private person, organization, or entity does not receive federal funds made available for the purposes of the Education for all Handicapped Children Act (WAC 392-171-310(4)(c))." Therefore all public agencies serving handicapped children in behalf of school districts fall under the requirements of WAC 392-171.

By state law, any private school child, sharing a part of his/her school day in a public school, shall be an enrolled pupil of that public school for as many hours as she/he is in attendance. Because of his/her enrollment in the public school program, she/he then falls under the same IEP process that applies to all LEA handicapped children in the LEA. Also, the administrative procedure (E-593A) which districts follow before referring a child to a private provider requires an assurance from the LEA to the SEA that the IEP will be developed mutually before placement. "Assurance that a meeting with the child's parent(s), appropriate school district staff, and a representative of the nonpublic school agency for the purpose of developing an IEP will be held prior to placement." The requirements as well as all other applicable assurances are in state form E-593-A.

In addition, for eligible handicapped children in private schools the public agency initiates and conducts IEP meetings and insures participation of the private school in those meetings as per WAC 392-171.

The Revised Code of Washington (RCW 72-05.140) addresses educational facilities in youth institutions. The statute requires that educational programs "...shall conform to the usual standards defined by law or regulations of the State Board of Education of the Office of the State Superintendent of Public Instruction..." WAC 392-171 is a part of the rules of the OSPI with which institutional educational programs must comply.

Further, the Interagency Agreement between the OSPI and the Department of Social and Health Services spells out the DSHS commitment to compliance with the requirements of PL 94-142 in educational programs they operate.

Therefore all public agencies, whether providing services on behalf of a local school district or having responsibility for the educational programs themselves, fall under the same requirements as local schools.

## C. LOCAL EDUCATIONAL AGENCY ASSURANCE

WAC 392-171-691 requires the Local Education Agency to submit to the state education agency an annual application which includes an assurance statement that IEPs will be developed and implemented as soon as possible following the IEP meeting for each student receiving special education and related services.

1. Requirement: Districts shall maintain records, which in the case of reports relating to performance, are in accordance with specific performance criteria developed by the district and related to program objectives as may be necessary to enable the state to perform its program review activities.

   a. These reports include information relating to educational achievement of handicapped children.

   b. Information shall be made available to authorized OSPI officials and/or their designees.

2. Requirement: District shall maintain such records under WAC 392-171-691 and afford access to those records to OSPI or its designee to ensure correctness and verification of information.

This state also requires local districts to submit a monthly report of school district handicapped allotment (P-223H) which requires development of IEP and parent consent to placement prior to reporting a student for funding purposes (Appendix A).

## D. IEP MONITORING

The state monitoring procedures include verification of compliance with all IEP requirements in all applicable agencies including private schools (See Monitoring Section).

# V. PROCEDURAL SAFEGUARDS

## A. GOAL STATEMENT

The state of Washington assures that it has established procedural safeguards as required by PL 94-142.

## B. State Standard

**WAC 392-171-371 INDEPENDENT EDUCATIONAL ASSESSMENT.**
(1) General.
(a) The parent(s) of a student (or the adult student) made a focus of concern and assessed pursuant to WAC 392-171-341 through 392-171-366 or any student reassessed pursuant to WAC 392-171-516 has the right to obtain an independent educational assessment, subject to sub-sections (3) and (4) of this section.

(b) Each school district shall provide to parents, (or adult students) on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school district responsible for the education of the student in question; and

(ii) "Public expense" means that the school district either pays for the full cost of the assessment or ensures that the assessment is otherwise provided at no cost to the parent (or adult student).

(2) Parent/adult student right to assessment at public expense. A parent (or adult student) has the right to an independent educational assessment at public expense if the parent (or the adult student) disagrees with the assessment results obtained by the school district, as follows:

(a) The parent(s) (or the adult student) shall provide a written notice to the school district superintendent or special education director which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) (or the adult student) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school district shall have the prior opportunity to initiate and conduct a hearing (and appeal) pursuant to WAC 392-171-521 et seq. to show that its assessment is appropriate: PROVIDED, That the school district shall provide the parent(s) (or the adult student) written notice of the election to initiate a hearing no later than the tenth day after the date of receipt of the parent's (or adult student's) notice of disagreement;

(c) If the final decision pursuant to WAC 392-171-521 et seq. is that the school district's assessment is appropriate, the parent (or adult student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the district elects not to hold a hearing or is not upheld by the final decision, the parent's (or adult student's) request for an independent assessment shall be provided at public expense in accordance with the same criteria which the district uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) Parent/adult student initiated assessment. If the parent (or adult student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school district in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at such hearings regarding that student as may be conducted pursuant to WAC 392-171-521 et seq.

(6) Requests for assessment by hearing officers. If a hearing officer requests an independent educational assessment as part of a hearing, the cost of the assessment shall be at public expense.

**WAC 392-171-521 WHEN NOTICE MUST BE GIVEN.** Written notice in accordance with WAC 392-171-526 shall be given by a school district to the parent(s) of a student (or to the adult student) a reasonable time before the school district:

(1) Proposes to initiate or change the identification, assessment, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change the identification, assessment, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter.

**WAC 392-171-526 CONTENTS OF NOTICE.**

(1) The notice required by WAC 392-171-521 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent (or the adult student) that are set forth in this chapter;

(b) A description of the action proposed or refused by the school district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

(c) A description of each assessment procedure, test, record, or report the district used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the district's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent (or adult student) or other mode of communication used by the parent (or adult student), unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent (or adult student) is not a written language, the district shall take steps to assure that:

(a) The notice is translated orally or by other means to the parent (or adult student) in his or her native language or other mode of communication;

(b) The parent (or adult student) understands the content of the notice; and

(c) There is written evidence that the requirements in subparagraphs (a) and (b) of this subsection have been met.

**WAC 392-171-531 RIGHT TO INITIATE--PURPOSES.**

(1) Hearings conducted in accordance with WAC 392-171-521 through 392-171-556 may be initiated in the following cases for the purposes stated:

(a) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of a proposal by the school district to initiate or change:

(i) The identification of the student;

(ii) The assessment of the student;

(iii) The educational placement of the student; or

(iv) The provision of special education and related services to the student pursuant to this chapter;

(b) The parent(s) of a student (or adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of the school district's refusal of the parent(s) (or adult student's) request to initiate or change:

(i) The identification of the student;

(ii) The assessment of the student;

(iii) The educational placement of the student; or

(iv) The provision of special education and related services to the student pursuant to this chapter;

(c) A school district may initiate a hearing to show that its assessment of a student is appropriate if the student's parent(s) (or the adult student) disagrees with the assessment results.

(2) A request by a student's parent(s) (or adult student) for a hearing pursuant to this section shall:

(a) be in writing (or it may be oral if expressly permitted by a rule of the school district);

(b) Be mailed or provided directly to the superintendent of the school district; and

(c) Explain the complaint of the parent(s) (or the adult student) in general or specific terms.

(3) A notice of a hearing requested by a child's parent(s) (or adult student) or initiated by a school district pursuant to this section shall be provided by the hearing officer and shall include, but not necessarily be limited to:

(a) The date, time, and place of the hearing;

(b) The issues to be addressed at the hearing to the extent the issues have been identified at the time of the notice;

(c) The rights, procedures, and other matters set forth in WAC 392-171-536 through 392-171-576; and

(d) The right of the parent(s) (or adult student) to seek an independent assessment at public expense pursuant to WAC 392-171-371.

**WAC 392-171-533 TRANSMITTAL OF COMPLAINT BY SCHOOL DISTRICT TO SUPERINTENDENT OF PUBLIC INSTRUCTION.** Unless the complaint filed with the school district superintendent pursuant to WAC 392-171-531(2) is withdrawn by the complainant in writing within five calendar days from the date of receipt, the school district superintendent shall transmit the complaint to the office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504 prior to midnight of such fifth calendar day by depositing such complaint in the United States mail.

**WAC 392-171-536 HEARING OFFICERS--SELECTION AND EXPENSES OF--PARENT ASSISTANCE.**

(1) If a hearing is initiated pursuant to WAC 392-171-531:

(a) The hearing shall be conducted by and at the expense of the superintendent of public instruction.

(b) The superintendent of public instruction shall provide for a court reporter's stenographic record of all testimony and other oral hearing proceedings at the expense of the superintendent of public instruction: PROVIDED, That a court reporter's stenographic record need not be transcribed for any purpose except as provided or required in WAC 392-171-551(e).

(c) The superintendent of public instruction shall inform the parent(s) (or adult student) of any free or low-cost legal and other relevant services available in the area if:

(i) The parent (or adult student) requests the information; or

(ii) The school district or the parent (or adult student) initiates a hearing;

(d) The hearing shall be conducted by a qualified person selected and appointed by the chief administrative law judge in the office of administrative hearings pursuant to chapter 10-08 WAC and shall be a person who:

(i) Is not an employee of a school district which is involved in the education or care of the student; and

(ii) Does not have a personal or professional interest which would conflict with his or her objectivity in the hearing;

(2) The hearing shall be conducted in accordance with the provisions of WAC 392-101-005 unless modified by this chapter.

**WAC 392-171-551 HEARING RIGHTS.**

(1) Any party to a hearing initiated pursuant to WAC 392-171-531 has the right to:

(a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of handicapped students;

(b) Be advised and/or represented by an attorney;

(c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;

(d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(e) Obtain a written verbatim record of the hearing at a cost no greater than the fee charged by the court reporter for transcribing his or her record of the hearing: PROVIDED, That in the event of an appeal to a court of law by the school district, such district shall bear the cost of transcribing the record for appeal purposes and shall make a copy available to the other party at a cost, if any, which is no greater than the school district's cost of copying the original; and

(f) Obtain written findings of fact, conclusions of law and judgments.

(2) Parents who are a party to a hearing have the right to have the child who is the subject of the hearing present.

(3) Parents (or adult students) who are a party to a hearing have the right to open the hearing to the public.

**WAC 392-171-556 TIMELINE FOR HEARING OFFICER'S DECISION--TIME AND PLACE OF HEARING.**

(1) Not later than forty-five days after the date of receipt of a request for a hearing pursuant to WAC 392-171-531:

(a) A final decision shall be reached based upon a preponderance of the evidence; and

(b) A copy of the decision consisting of the hearing officer's findings of fact, conclusions of law, and judgment shall be mailed or provided directly to each of the parties and to the superintendent of public instruction by the hearing officer, together with a certification of the date of mailing and the parties to whom it was mailed.

(2) The date of mailing or providing a decision to the parties shall be certified to on the first page of the decision by the person(s) who mails or provides the decision to the parties. The decision of the hearing officer shall be drafted in a manner which:

(a) Sets forth the findings of fact, conclusions of law and judgment separately, and numbers each findings of fact and conclusion; and

(b) Avoids the revelation of personally identifiable information that is unnecessary to reaching and understanding the decision reached. The surnames of students and their parents shall be indicated by use of their last initial and shall not be spelled out.

(3) A hearing officer may grant specific extensions of time beyond the period set forth in this section at the request of either party.

(4) Each hearing involving oral arguments shall be conducted at a time and place which is reasonably convenient to the parent(s) and student involved.

**WAC 392-171-539 PROSPECTIVE APPLICATION TO AMENDMENTS IN WASHINGTON ADMINISTRATIVE CODE AFFECTING HEARINGS.** Amendments to the Washington Administrative Code affecting special education hearings and appeals pursuant to chapter 392-171 WAC shall apply prospectively. Complaints filed pursuant to WAC 392-171-531 shall be governed by the chapter 392-171 WAC regulations in effect at the time the complaint is filed.

**WAC 392-171-561 FINAL DECISION—APPEAL TO COURT OF LAW.** A decision made in a hearing initiated pursuant to WAC 392-171-531 is final, unless modified or overturned by a court of law.

**WAC 392-171-576 STUDENT'S STATUS DURING HEARING AND JUDICIAL REVIEW PROCESSES.**

(1) During the pendency of any administrative or judicial proceeding regarding a complaint initiated pursuant to WAC 392-171-531, unless the school district and the parent(s) of the student (or the adult student) agree otherwise, the student involved in the complaint shall remain in the educational placement he or she was in at the time the complaint was made.

(2) The student, with the consent of the parent(s) (or the adult student), shall be placed in the regular school program until the completion of all such proceedings if the complaint involves an application for initial admission to the school.

**WAC 392-171-581 SURROGATE PARENTS.**

(1) General. Each school district providing a special education program to a nonadult handicapped student shall assure that the rights of the nonadult student are protected when:

(a) No parent (as defined in WAC 392-171-310(4)) can be identified;

(b) The school district, after reasonable efforts, cannot discover the whereabouts of a parent; or

(c) The student is a ward of the state.

(2) Duty of school district. The duty of a school district under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Criteria for selection of surrogates. Each school district shall assure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4) Nonemployee requirement--Compensation:

(a) A person assigned as a surrogate may not be an employee of a school district and/or agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school district and/or other agency solely because he or she is paid by the school district and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:

62

(a) The identification, assessment, and educational placement of the student; and

(b) The provision of free special education and related services to the student.

**WAC 392-171-586 DEFINITION OF "EDUCATION RECORDS" AS USED IN RECORDS RULES.**

(1) For the purpose of WAC 392-171-596 through 392-171-641 governing handicapped student records, the term "education records" shall mean those records that:

(a) Are directly related to a student; and

(b) Are maintained by a school district or by a party acting for the school district.

(2) The term "education records" does not include:

(a) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:

(i) Are in the sole possession of the maker thereof; and

(ii) Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record and does not refer to an individual who permanently succeeds the maker of the record in his or her position;

(b) Records of a law enforcement unit of a school district which are:

(i) Maintained apart from the records described in subsection (1) of this section;

(ii) Maintained solely for law enforcement purposes; and

(iii) Not disclosed to individuals other than law enforcement officials of the same jurisdiction: PROVIDED, That education records maintained by the school district are not disclosed to the personnel of the law enforcement unit;

(c) Records relating to an individual who is employed by a school district which:

(i) Are made and maintained in the normal course of business;

(ii) Relate exclusively to the individual in that individual's capacity as an employee; and

(iii) Are not available for use for any other purpose: PROVIDED, That this exception from the definition of "education records" does not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student;

(d) Records relating to an adult student which are:

(i) Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his or her professional or paraprofessional capacity;

(ii) Created, maintained, or used only in connection with the provision of treatment to the student; and

(iii) Not disclosed to anyone other than individuals providing the treatment: PROVIDED, That the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the school district;

(e) Records of a school district which contain only information relating to a person after that person was no longer a student at the school district. An example would be information collected by a school district pertaining to the accomplishments of its alumni.

**WAC 392-171-591 DEFINITIONS USED IN RECORDS RULES—"DESTRUCTION"—"NATIVE LANGUAGE"—AND "PARTICIPATING AGENCY."** For the purpose of WAC 392-171-596 through 392-171-641 governing handicapped student records:

(1) "Destruction" shall mean physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

(2) "Native language" has the meaning given that term by section 703 (a)(2) of the Bilingual Education Act, which provides essentially as follows:

> The term "native language," when used with reference to a person of limited English-speaking ability, means the language normally used by that person, or in the case of a nonadult student, the language normally used by the parents of the student.

(3) "Participating agency" means any agency or institution which collects, maintains, or uses personally identifiable information or from which information is obtained pursuant to this chapter.

**WAC 392-171-596 ACCESS RIGHTS.**

(1) Each school district shall permit parents of handicapped students (or adult students) to inspect and review during school business hours any education records relating to their children or ward (or the adult student) which are collected, maintained, or used by the district under this chapter. The district shall comply with a request promptly and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the student.

(2) The right to inspect and review education records under this section includes:

(a) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;

(b) The right to request that the school district provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

(c) The right to have a representative of the parent (or adult student) inspect and review records.

(3) A school district may presume that a parent has authority to inspect and review records relating to his or her child or ward unless the district has been advised that

the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

**WAC 392-171-601 RECORD OF ACCESS.** Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used under this chapter (except access by parents, adult students, and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

**WAC 392-171-606 RECORDS ON MORE THAN ONE STUDENT.** If any education record includes information on more than one student, the parent(s) of those students (and/or adult students) shall have the right to inspect and review only the information relating to their child or ward (or themselves) or to be informed of that specific information.

**WAC 392-171-611 LIST OF TYPES AND LOCATIONS OF INFORMATION.** Each participating agency shall provide parents (and adult students) on request a list of the types and locations of education records collected, maintained, or used by the agency.

**WAC 392-171-616 FEES.**

(1) A Participating education agency may charge a fee for copies of records which are made for parents (or adult students) under this chapter if the fee does not effectively prevent the parents (or adult students) from exercising their right to inspect and review those records.

(2) A participating agency may not charge a fee to search for or to retrieve information under this chapter.

**WAC 392-171-621 AMENDMENT OF RECORDS AT THE REQUEST OF A PARENT OR ADULT STUDENT.**

(1) A parent of a handicapped student (or an adult student) who believes that information in education records collected, maintained, or used under this chapter is inaccurate or misleading or violates the privacy or other rights of the student may request the participating agency which maintains the information to amend the information.

(2) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time after receipt of the request.

(3) If the agency decides to refuse to amend the information in accordance with the request it shall inform the parent (or adult student) of the refusal and advise the parent (or adult student) of the right to a hearing pursuant to WAC 392-171-626..

(4) The participating agency, on request, shall provide the parent (or adult student) an opportunity for a hearing to challenge information in education records to insure that it

is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

(5) If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and so inform the parent (or adult student) in writing.

(6) If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parent(s) (or adult student) of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

(7) Any explanation placed in the records of the student pursuant to this section shall:

(a) Be maintained by the participating agency as part of the records of the student as long as the record or contested portion is maintained by the participating agency; and

(b) Also be disclosed to any party to whom the records of the student (or the contested portion thereof) are disclosed.

**WAC 392-171-626 HEARING PROCEDURES REGARDING RECORDS.** A hearing initiated pursuant to WAC 392-171-621 to challenge information in education records shall be conducted according to procedures which include at least the following elements:

(1) The hearing shall be held within a reasonable period of time after the participating agency has received the request;

(2) The parent (or adult student) shall be given notice of the date, place, and time reasonabnly in advance of the hearing;

(3) The hearing may be conducted by any party, including an official of the participating agency, who does not have a direct interest in the outcome of the hearing;

(4) The parent (or adult student) shall be afforded a full and fair opportunity to present evidence relevant to the issues raised pursuant to WAC 392-171-621 and may be assisted or represented by individuals of his or her choice of his or her own expense, including an attorney;

(5) The participating agency shall provide a written decision to the parent (or adult student) within a reasonable period of time after the conclusion of the hearing; and

(6) The decision of the participating agency shall:

(a) Be based solely upon the evidence presented at the hearing; and

(b) Include a summary of the evidence and the reasons for the decision.

**WAC 392-171-631 CONSENT.**

(1) Consent of a parent (or adult student) shall be obtained before personally identifiable information is:

(a) Disclosed to anyone other than officials of participating agencies collecting or using the information under this chapter subject to subsection (2) of this section; or

(b) Used for any purpose other than meeting a requirement imposed by this chapter.

(2) No school district shall release information from education records to participating agencies without the consent of a parent (or adult student) except in those cases in which a release of information without consent is permitted by the rules that implement the federal Privacy Rights of Parents and Students Part 99 of 34 code of Federal Regulations (CFR) 34 sections 99.1 et seq. See 34 CFR 99.31 (when prior consent not required), 34 CFR 99.35 (disclosure to state and federal officials) and 34 CFR 99.37 (directory information).

**WAC 392-171-636 SAFEGUARDS.**

(1) Each participating agency shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.

(2) One official at each participating agency shall be designated as the individual responsible for assuring the confidentiality of any personally identifiable information.

(3) All persons collecting or using personally identifiable information shall receive training or instruction regarding:

(a) The policies and procedures on protection of the confidentiality of personally identifiable information set forth in the state's annual program plan; and

(b) 45 CFR 99.1 et seq. (the "Buckley Amendment" rules).

(4) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

**WAC 392-171-641 DESTRUCTION OF INFORMATION.** Each school district shall inform parents (and adult students) when personally identifiable information collected, maintained, or used pursuant to this chapter is no longer needed to provide educational services to the student. The information shall thereafter be destroyed at the request of the parent(s) (or adult student). However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

**WAC 392-171-746 FUND WITHHOLDING.**

(1) In the event a school district fails to submit an approvable remediation plan pursuant to WAC 392-171-741 or fails to submit an approvable corrective action plan pursuant to WAC 392-171-731 or fails to comply with a remediation plan approved pursuant to WAC 392-171-741 or fails to comply with a corrective action plan pursuant to WAC 392-171-731, the

superintendent or his or her designee shall provide the school district notice pursuant to RCW 34.04.090 of:

(a) Intent to withhold a specified amount of state and/or federal special education funds; and

(b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to commencement of the withholding.

(2) Funds may be withheld in whole or part in the event the district fails to request a hearing or the hearing decision upholds the final audit or monitoring in whole or part.

**WAC 392-171-751 RECOVERY OF FUNDS.**

(1) If a preliminary audit conducted pursuant to WAC 392-171-741 indicates that a district has unlawfully received and/or expended either state or federal special education funds, the superintendent of public instruction or his or her designee shall provide the school district with an opportunity for an informal conference prior to the final audit report.

(2) If the final audit report sets forth one or more instances of unlawful receipt or expenditure of either state or federal special education funds, the superintendent of public instruction or his or her designee shall take such action as he or she deems necessary to recover the funds including, but not limited to, a reduction in future allocations of any amount of any state funds and/or any amount of federal special education funds to the district.

(3) No right to a hearing in connection with the recovery of funds unlawfully received and/or expended is granted by this chapter.

**WAC 392-171-756 FUND WITHHOLDINGS TO ENFORCE PARENT APPEAL DECISIONS.** The superintendent of public instruction or his or her designee may withhold any amount of state funds and/or any amount of federal special education funds as he or she deems necessary to enforce a decision made on appeal pursuant to WAC 392-171-566 and 392-171-571 without any necessity of a further hearing on the matter.

**WAC 392-171-761 RIGHT TO REGISTER AND PROCESS COMPLAINTS.**

(1) Any person, entity, or organization may register and process complaints alleging one or more violations of this chapter as provided for in WAC 392-171-761(2) through 392-171-781 complaint issues involve alleged violations of established laws and regulations.

(2) If a parent (or adult student) has a complaint which constitutes a basis in whole or in part for initiation of a due process hearing pursuant to WAC 392-171-531, a citizen complaint by that same parent (or adult student) will be held in abeyance until the hearing has been concluded.

(3) Complaints shall:

(a) Be written;

(b) Be signed by the complaining party;

(e) Set forth the specific acts, conditions, or circumstances alleged to be in violation of this chapter.

(4) The complaint may be directed to the school district alleged to be in violation or to the superintendent of public instruction.

If to the superintendent of public instruction, the complaint will be referred to the school district alleged to be in violation for action pursuant to WAC 392-171-766 through 392-171-781.

**WAC 392-171-766 COMPLAINT DIRECTED TO SCHOOL DISTRICT AND DESIGNATION OF RESPONSIBLE SCHOOL DISTRICT EMPLOYEE.** The superintendent of each school district shall designate at least one employee for monitoring and coordinating the district's compliance with this chapter. The employee designated pursuant to this section shall also be charged with the responsibility for investigating any complaint(s) communicated to the school district pursuant to WAC 392-171-761.

**WAC 392-171-771 SCHOOL DISTRICT INVESTIGATION OF AND RESPONSE TO COMPLAINTS DIRECTED TO THE SCHOOL DISTRICT.**

(1) Upon receipt of a complaint pursuant to WAC 392-171-761, the employee(s) designated pursuant to WAC 392-171-766 or his or her designee shall investigate the allegation(s) set forth.

(2) Upon completion of the investigation, the designated employee(s) shall provide the district superintendent with a written report of the complaint and the results of the investigation. The district superintendent or his or her designee shall respond in writing to the complaining party as expeditiously as possible but in no event later than twenty calendar days after the date of receipt of such complaint by the school district.

(3) The response of the school district superintendent or his or her designee shall clearly state either:

(a) That the school district denies the allegations contained in the complaint; or

(b) The nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the school district: PROVIDED, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the date of the response to the complaining party.

**WAC 392-171-776 APPEAL TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION.**

(1) In the event a complainant remains aggrieved with the decision of a school district superintendent or his or her designee provided pursuant to WAC 392-171-771 or upon failure or refusal of the school district to respond, the complainant

may appeal the decision to the superintendent of public instruction or in the case of a failure or refusal to respond may register the complaint with the superintendent of public instruction: PROVIDED, That upon the refusal of a school district to grant a request of the parent (or adult student) for such a hearing made in conformance with WAC 392-171-531, the parent (or adult student) may register the complaint with the superintendent of public instruction.

(2) A written notice of appeal must be received by the superintendent of public instruction on or before the fifteenth day after the date the complainant received the written response of the school district superintendent pursuant to WAC 392-171-771 or in the case of a failure or refusal to respond pursuant to WAC 392-171-771 or in the case of a failure or refusal to respond pursuant to WAC 392-171-771, a written notice registering the complaint must be received by the state superintendent of public instruction on or before the thirty-fifth day after the date the citizen registered the complaint with the school district. The notice shall set forth:

(a) A statement of the portion(s) of the school district superintendent's decision which is appealed or in the case of a failure or refusal to respond, a statement so indicating; and

(b) The relief or remedy requested by the complainant/appellant.

(3) "In the case of a school district's refusal to grant a request of a parent (or adult student) for a hearing made in conformance with WAC 392-171-531, a written notice registering the complaint must be received by the superintendent of public instruction on or before either the fifteenth day after the day the parent or adult student received notice of the district's refusal to grant a hearing or on or before the fifteenth day after the expiration of the time period for rendering a final decision pursuant to a request for a hearing (i.e., forty-five days after the date of receipt of a request for a hearing), whichever occurs first."

**WAC 392-171-781 ACTIONS IN RESPONSE TO NOTICES OF APPEAL AND NOTICES REGISTERING COMPLAINTS.**

(1) The superintendent of public instruction or his or her designee shall act expeditiously to investigate the allegation(s) in a written notice of appeal or a written notice registering the complaint that is deemed to be of substance and make a decision no later than fifteen calendar days after the receipt of either notice registered by a citizen.

(2) If the investigation reveals that there is merit to the allegation(s), the superintendent or his or her designee will provide for negotiations, or technical advice and assistance, or other remedial action in an attempt to achieve compliance with this chapter: PROVIDED, That any corrective measures deemed necessary shall be instituted no later than ten calendar days following the decision of the superintendent of public instruction.

(3) If compliance is not achieved pursuant to subsection (2) of this section, the superintendent of public instruction or his or her designee will initiate fund withholding in compliance with the notice requirements of WAC 392-171-[illegible], or initiate fund recovery, or initiate any other sanction deemed appropriate.

(4) In the event a complainant or school district remains aggrieved with the decision of the superintendent of public instruction or his or her designee, either party may appeal the decision to the secretary, department of education.

C. IMPLEMENTATION PROCEDURES

1. The OSPI places copies of the rules and regulations in each school district in the state and in private and public agencies providing services to handicapped children.

2. Statewide workshops and training activities are held to explain the regulations, including the procedural safeguards and confidentiality sections. See the section of the Comprehensive System of Personnel Development, page [illegible] of this plan.

3. Procedural safeguards including confidentiality of information implementation by private and public agencies are monitored consistent with the state's monitoring plan.

4. The Washington State Parent's Guide to Special Education published through a grant to the Mercer Island School District in cooperation with the Superintendent of Public Instruction, Division of Special Services provides educational agencies and parents with information regarding procedural safeguards which includes confidentiality of information. This handbook is available statewide.

5. Workshops are held around the state on topical issues such as IEPs and parental rights, preparing for a hearing, and due process as it relates to regular education.

## VI. LEAST RESTRICTIVE ENVIRONMENT

A. GOAL STATEMENT

The state of Washington has established procedures to assure that to the maximum extent appropriate to their needs, handicapped children, including children in public and private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

B. STATE POLICY

**WAC 392-171-466 INITIAL EDUCATIONAL PLACEMENT—NOTICE—CONSENT.** (1) Each school district shall provide written notice of a student's proposed, initial special education placement, or of the district's inability or refusal to make a special education placement, at the initial meeting or within ten calendar days after the initial meeting provided for in WAC 392-171-456. The notice shall comply with the notice requirements of WAC 392-171-526. Provided that pupils admitted to state residential schools shall be enrolled in an educational program within ten school days of admission.

(2) The written consent of the parent(s) (or adult student) shall be requested if special education placement is proposed.

(3) The student's proposed special education placement shall commence when either:

(a) Written consent has been given by the parent(s) (or the adult student); or

(b) The refusal of a student's parent(s) (or adult student) to grant consent has been overridden by the school district pursuant to a hearing (or appeal) conducted in accordance with WAC 392-171-531 et seq.

**WAC 392-171-471 LEAST RESTRICTIVE ENVIRONMENT.** The placement and provisions of services to each handicapped student shall be in his or her least restrictive environment as follows:

(1) Educational setting—Each handicapped student shall be placed:

(a) In the regular educational environment with non-handicapped students to the maximum extent appropriate to his or her needs, unless it can be demonstrated by the school district that the nature or severity of the student's disability is such that his or her education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and

(b) In the school which he or she would attend if not handicapped, unless his or her individualized education program requires some other arrangement. If some other arrangement is required, the student shall be placed in the appropriate educational program that is as close to the student's home as is reasonably possible.

(2) Nonacademic settings—Each handicapped student shall be provided nonacademic and extracurricular services and activities conducted by the school district (e.g., meals, recess, recreation, athletics, counseling, transportation, student club activities, etc.) with nonhandicapped students to the maximum extent appropriate to the needs of the student.

**WAC 392-171-476 CONTINUUM OF ALTERNATIVE PLACEMENTS.** A continuum of alternative placement options shall be made available as is necessary to meet the needs of the district's handicapped students for special education and related services.

The option shall include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, and shall provide for supplementary services such as resource room or itinerant instruction in conjuction with regular class placement.

**WAC 392-171-481 PLACEMENT OPTIONS--SELECTION--REQUIRED CONSIDERATIONS.** (1) The placement of each handicapped student shall be determined annually at a meeting conducted pursuant to WAC 392-171-436.

(2) The selection of the appropriate placement option or options for each handicapped student shall be based upon:

(a) The student's individualized education program;

(b) The least restrictive environment requirements of WAC 392-171-471;

(c) The option or combination of options that provides reasonably high probability of assisting the student to attain his or her annual goals; and

(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs.

**WAC 392-171-486 HOME/HOSPITAL INSTRUCTION.** Home or hospital instruction shall be provided to both handicapped students and other students who are unable to attend school for an estimated period of four weeks or more because of physical disability or illness. As conditions to such services, the parent(s) of a student (or the adult student) shall request the services and provide a written statement to the school district from a qualified medical practitioner that states the student will not be able to attend school for an estimated period of at least four weeks. A student who is not otherwise handicapped pursuant to WAC 392-171-310 who qualifies pursuant to this subsection shall be deemed "handicapped" only for the purpose of home/hospital instructional services and funding and may not otherwise qualify as a handicapped student for the purposes of generating state or federal special education funds. A school district shall not pay the cost of the statement from a qualified medical practitioner for the purposes of qualifying a student for home/hospital instructional services pursuant to this section.

Home-hospital instructional services funded in accordance with the provisions of this section shall not be used for initial or on-going placement of otherwise handicapped students. It shall be limited to placement as is deemed necessary to provide temporary intervention as a result of a physical disability or illness.

## C. APPLICATION OF POLICY TO ALL AGENCIES

The requirements of WAC 392-171 apply to each agency providing services to handicapped students. The definition of "school district" for purposes of

WAC 392-171 is: "Each public or private person, organization or entity that provides special education or related services to one or more handicapped students in behalf of a public school district--even though a public school district, such as an educational service district, or such a public or private person, organization, or entity does not receive federal funds made available for the purposes of the Education for all Handicapped Children Act WAC 392-171-310(5)(c)." Therefore all public agencies serving handicapped children in behalf of school districts fall under the requirements of WAC 392-171.

The revised Code of Washington (RCW 72.05.140) addressed educational facilities in youth institutions. The state requires that educational programs "...shall conform to the usual standards defined by law or regulations of the State Board of Education of the Office of the State Superintendent of Public Instruction..." This statute requires conformance on the part of state institutions with regulations of the superintendent of Public Instruction. WAC 392-171 is a part of the rules of the OSPI with which institutional educational programs must comply.

State operated institutions, schools and community based provider agencies assure compliance with PL 94-142. The Interagency Cooperative Agreement with the Department of Social and Health Services (DSHS) and including the Statement of Assurance by DSHS detail those assurances and are Appendix E.

Therefore all agencies, whether providing services on behalf of a local school district or having responsibility for the educational programs themselves, fall under the same requirements as local schools.

## D. MONITORING/LEA PROGRAM APPROVAL PROCESS

SEA monitoring procedures are developed to insure that, to the extent necessary to implement the IEP for each handicapped student in an applicable agency, agencies provide or arrange for the provision of a continuum of alternative educational settings. Monitoring procedures include reviewing policies and procedures and classroom observation. Where non-compliance exists, corrective action plans must be developed. These action plans must be implemented and are followed-up by OSPI.

## E. LEA ASSURANCES

The LEA Application includes a Statement of Assurances which are certified by the Superintendent assuring that policies and procedures are in effect which will guarantee compliance with the least restrictive provisions of PL 94-142, Section 612(1-7) and Section 613(a).

This information is used in the monitoring process as a basis for reviewing whether or not the LEA is carrying out the activities committed to in the application. This information must be provided for program approval. The information is also used as a basis for assessing the need for technical assistance to the district in the area of least restrictive environment.

# VII. PROTECTION IN EVALUATION PROCEDURES

## A. GOAL STATEMENT

The state of Washington has established procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will not be discriminatory as to race, sex, culture or handicapping condition. Furthermore the procedures assure that such materials and procedures shall be provided and administered in the child's native language or mode of communication, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate education program for a child.

## B. STATE STANDARDS

**WAC 392-171-341 STUDENT AS FOCUS OF CONCERN—REASSESSMENT PROCEDURES—TIMELINE.** A student shall become a focus of concern when the student is brought to the attention of a school district superintendent or his or her designee because of a suspected handicapped condition(s). Such concern for a student may be originated by or transmitted through any source, including: Parents, medical personnel, school district personnel, community agencies, civil authorities, district screening procedures, and other identified, interested persons.

(2) When the possibility of a student's need for special education and related services has been brought to the attention of the school district superintedent or his or her designee, the superintendent or his or her designee shall act on the referral by promptly:

(a) Recording the circumstance by date, origin, and reason for concern; and

(b) Providing the student's parent(s) (or the adult student written notice that the student has been referred because of a suspected handicapping condition and that within fifteen school days the district will determine whether or not there is good reason to believe that the student is a candidate for assessment.

(3) The superintendent or his or her designee shall, within fifteen school days after the date of referral, review the referral, collect and examine existing school, medical and other records in the possession of the school district and make a determination that there is or is not good reason to believe that the student is a candidate for assessment. This decision shall be in writing and shall set forth the date and the name of the person making the decision. The superintendent or is or her designee shall, within ten school days after the date of such decision, direct a written notice to the student's parent(s) (or the adult student) that complies with the notice requirements of WAC 392-171-526.

(4) In the event the decision is that there is good reason to believe that the student is a candidate for assessment, the school district shall fully assess the student and arrive at a decision pursuant to WAC 392-171-376 within:

(a) Thirty-five school days (also referred to as the formal assessment period) after the date written consent for an assessment has been provided by the parents(s) (or the adult student); or

(b) Thirty-five school days (also referred to as the formal assessment period) after the date the refusal of the parent(s) (or the adult student) to grant consent has been overridden pursuant to a hearing (or appeal) in accordance with WAC 392-171-521 et seq.; or

(c) Such other time period as may be agreed upon by the parent(s) (or the adult student) and school authorities.

(5) The school district shall request the parent to sign consent form(s) for the mutual exchange of pertinent information where such information is available between the school, other agencies, and/or professionals.

(6) If temporary (not to exceed thirty school days) special education programming is necessary for diagnostic reasons during the assessment period, the district shall obtain written permission for such diagnostic placement from the parent(s) prior to making the placement.

(7) In the case of students admitted to state residential schools, an assessment and individualized education program must be completed as provided in this chapter within fifty school days of enrollment.

**WAC 392-171-346 GENERAL AREAS OF ASSESSMENT.** The assessment of a student shall be in all areas related to the suspected disability. The assessment procedures outlined in WAC 392-171-381 through 392-171-451 are to be considered minimal, required procedures. Where concerns are indicated, as judged by the multi-disciplinary team, additional or more in depth assessment in each of the following areas shall be conducted.

(1) Scholastic assessment. This area may include assessment of the intellectual, language and communication, academic and cognitive development of the student and any other scholastic area as deemed appropriate by the multidisciplinary team.

(2) Physical assessment. This area may include a review of the general health status of the student, vision and hearing screening, oral-peripheral examination, evaluation of musculo-skeletal, neurological, and dvelopmental modalities, and any other physical area as deemed necessary by the multidisciplinary team.

(3) Adjustment assessment. This area may include assessment of the social skills and emotional status of the student, career and vocational assessment, and assessment of adaptive behaviors (e.g., self-help, interpersonal communication, survival skills, and practical application of academic skills).

**WAC 392-171-351 GENERAL ASSESSMENT SAFEGUARDS—PERSONNEL, MATERIALS AND PROCEDURES.** Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.

(1) The assessment of a student (except one with a suspected communication disorder) shall be made by a multidisciplinary team (i.e., a group of professionals) including at least one special education teacher and at least one person qualified to conduct individual diagnostic assessment in the area of suspected disability. Each member of the team shall be licesned, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules: Provided, that in assessing a student suspected of having a specific learning disability, each school district shall include on the multidisciplinary team at least three members:

(a) The student's regular education teacher or, if the student does not have a regular education teacher, a regular education teacher qualified to teach a student of hs or her age;

(b) A special education teacher having experience with learning disabled students; and

(c) A school psychologist.

(2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility or handicapping condition and/or for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally discriminatory.

(4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team shall determine eligibility for special education based on other evidence of the existence of a specific handicap and need. This professional judgment shall be documented in a written narrative.

(5) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist: Provided, that cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles who have considerable training and experience in individual psychological or psychoeducational assessment.

(6) Assessment materials, procedures or instruments shall be provided and administered in a student's primary language or mode of communication,, unless it is clearly not feasible to do so. Tests shall be selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired

sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(7) In conducting assessment activities, appropriate assessment team members shall:

(a) Collect and review all available existing school, medical, and other records pertinent to the suspected handicapping condition(s) of the student, including previous screening and assessment results, health reports, relevant cumulative records and recommendations of related service providers; and

(b) Conduct current assessment activities required by this chapter and in accordance with the procedures specified herein; and

(c) Collect such other data as needed to verify the results of standardized testing, including but not limited to parent and/or teacher interviews and current classroom performance data.

(8) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement, including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty day school calendar: Provided, that in the event the assessment is an initial assessment by the district, the recommendation regarding the appropriateness of an extended school year for a particular student need not be made until May of the school year in which the initial assessment was made.

**WAC 392-171-358 COMMUNICATION DISORDERED STUDENTS—ASSESSMENT.** Students who are suspected of having a communication disorder as their only handicap shall be assessed by a qualified communication disorder specialist who shall use procedures appropriate for the diagnosis and appraisal of communication disorders. The student shall be referred for additional assessment needs for appropriate placement. The assessment results required in this section shall be summarized as provided in WAC 392-171-351(6).

**WAC 392-171-361 MEDICAL EVALUATION.**

(1) A medical evaluation is required when:

(a) It is necessary to meet the eligibility criteria for funding; or

(b) Voice training is being considered in the presence of hoarseness; or

(c) Whenever a qualified health professional suspects a student under consideration as a possible handicapped student of having a health problem which may affect his or her educational program.

(2) Medical evaluations at the expense or otherwise in behalf of a school district shall be obtained only:

(a) At the direction of or with the prior approval of the school district superintendent or his or her designee (except in the case of an independent assessment pursuant to WAC 392-171-371);

(b) In accordance with criteria established by the school district including, but not limited to, the location of the evaluation and report required; and

(c) When the student's parent(s) (or the adult student) agrees in advance to the type of examination and the choice of medical examiner;

(d) When, except in the case of an adult student, the student's parent(s) is present at the time of the examination or has agreed that his or her presence is not required; and

(e) When the evaluation is conducted by the student's personal physician has been involved in the planning with the permission of the student's parent(s) (or the adult student).

(4) Medical evaluation services necessary to a determination of the educational needs of residential school students, shall be the responsibility of the department of social and health services pursuant to RCW 28A.58.774.

**WAC 392-171-366 SUMMARY ANALYSIS OF ASSESSMENT DATA.**

(1) The leader of a student's assessment team shall review and analyze the summaries of assessment data provided for in WAC 392-171-351(6) and any other available data in each of the areas assessed. The conclusions, recommendations, and the facts and/or reasons resulting in the eligibility decision pursuant to WAC 392-171-376 shall:

(a) Describe the discrepancy which exists between the student's actual performance and his or her expected performance;

(b) Identify the handicapping condition(s), if any, that qualifies the student as a handicapped student;

(c) Set forth the nature and extent of the special education and related services that the student needs, if any;

(d) Reconcile any inconsistent or contradictory information and/or options evidenced in the assessment data, if any, supporting conclusion(s) with appropriate data;

(e) Relate the apparent significance, as appropriate, of such factors as test measurement error or cultural, environmental, economic, and behavioral factors to the assessment results.

Where specific test results obtained in any assessment do not appear to the multidisciplinary team to accurately reflect a child's expected performance the multidisciplinary team shall apply professional judgment to determine eligibility for special education and related services. In such event, the multidisciplinary team shall document in a written narrative the basis for such determination, the instruments used, and the data used for a determination of eligibility.

(f) Make recommendations to the individualized education program committee regarding placement, special education and related services needed (including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty school days), needs for specialized materials or equipment, learning modalities (e.g., auditory), as determined by the multidisciplinary team to be significant to the student's program. If the multidisciplinary team at the time of the student's initial assessment by the district for professionally sound reasons is unable to make a recommendation regarding the need for an extended school year for a particular student, the multidisciplinary team shall make its recommendation regarding an extended school year prior to the May following initial assessment; and

(g) Provide any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(2) The summary analysis shall be signed and dated by both the team leader and the school district's special education director or his or her designee.

(3) Provided that, in the case of a student suspected of having a specific learning disability, the summary analysis shall also include a statement of:

(a) The relevant behavior noted during observation(s) of the student, including the relationship of that behavior to the student's academic problem(s) in the regular education program;

(b) A summary, if applicable, of previous intervention attempts and results; and

(c) The educationally relevant medical findings, if any, including the results of a current vision and hearing screening.

(4) Each multidisciplinary team member shall certify in writing whether the summary analysis reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s) and the reasons therefor.

**WAC 392-171-371 INDEPENDENT EDUCATIONAL ASSESSMENT.**

(1) General.

(a) The parent(s) of a student (or the adult student) made a focus of concern and assessed pursuant to WAC 392-171-341 through 392-171-366 or any student reassessed pursuant to WAC 392-171-516 has the right to obtain an independent educational assessment, subject to sub-sections (3) and (4) of this section.

(b) Each school district shall provide to parents, (or adult students) on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school district responsible for the education of the student in question; and

(ii) "Public expense" means that the school district either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent (or adult student).

(2) Parent/adult student right to assessment at public expense. A parent (or adult student) has the right to an independent educational assessment at public expense if the parent (or the adult student) disagrees with the assessment results obtained by the school district, as follows:

(a) The parent(s) (or the adult student) shall provide a written notice to the school district superintendent or special education director which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) (or the adult student) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school district shall have the prior opportunity to initiate and conduct a hearing (and appeal) pursuant to WAC 392-171-521 et seq. to show that its assessment is appropriate: PROVIDED, That the school district shall provide the parent(s) (or the adult student) written notice of the election to initiate a hearing no later than the tenth day after the date of receipt of the parent's (or adult student's) notice of disagreement;

(c) If the final decision pursuant to WAC 392-171-521 et seq. is that the school district's assessment is appropriate, the parent (or adult student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the district elects not to hold a hearing or is not upheld by the final decision, the parent's (or adult student's) request for an independent assessment shall be provided at public expense in accordance with the same criteria which the district uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) Parent/adult student initiated assessment. If the parent (or adult student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school district in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at such hearings regarding that student as may be conducted pursuant to WAC 392-171-521 et seq.

(4) Requests for assessment by hearing officers. If a hearing officer requests an independent educational assessment as part of a hearing, the cost of the assessment shall be at public expense.

**WAC 392-171-481 PLACEMENT OPTIONS--SELECTION--REQUIRED CONSIDERATIONS.** (1) The placement of each handicapped student shall be determined annually at a meeting conducted pursuant to WAC 392-171-456.

(2) The selection of the appropriate placement option or options for each handicapped student shall be based upon:

(a) The student's individualized education program;

(b) The least restrictive environment requirements of WAC 392-171-471;

(c) The option or combination of options that provides reasonably high probability of assisting the student to attain his or her annual goals; and

(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs.

**WAC 392-171-511 ANNUAL REVIEW OF PLACEMENT AND STUDENT PROGRESS—PROGRAM IMPROVEMENT.**

(1) Annual placement review--The educational placement of each handicapped student shall be evaluated and redetermined annually at a meeting conducted pursuant to WAC 392-171-456.

(2) program evaluation--each school district shall establish a simple and reliable system of evaluating the program established for each handicapped student. Program evaluations shall be based upon a handicapped student's progress toward the accomplishment of the goals and objectives set forth in the student's individualized education program and/or upon the teacher/manager efforts to facilitate change. Specific methods of evaluating and displaying program results shall be determined in accordance with the district's policies and procedures and the student's individualized `education program.

(3) The program evaluation system shall assure that the performance measurement is recorded and reported at both in-process and final-result stages, and the results of the evaluation shall be reported to the parent(s) (or the adult student) consistent with policies and procedures of the school district.

(4) Program evaluations shall serve two purposes:

(a) To compare a student's measured performance with established goals and objectives; and

(b) To attempt to identify casual factors that account for significant differences between actual and predicted performance.

(5) Each school district shall develop, in its own format, alternatives designed to improve methods and results that are based upon the performance evaluation of the student. Evaluation of progress shall be continuing and completed at least annually in order to allow assessment personnel to adjust aims, programs, etc., if the goals and objectives are not met.

**WAC 392-171-[illegible] REASSESSMENT—REQUIREMENT.** Each identified student having a handicapping condition shall be reassessed in accordance with the assessment procedures specified in WAC 392-171-[illegible] through 392-171-[illegible] by the multidisciplinary team provided for in WAC 392-171-[illegible] as follows:

(1) At a minimum, once every three years or more frequently if required by this chapter.

(2) Upon request of the student's parent (or adult student), teacher, or individualized education program committee.

**WAC 392-171-[illegible] REASSESSMENT—NOTICE REQUIREMENT.** Ten calendar days prior to conducting the reassessment, the district shall provide written notice to parents (or adult student). Such notice for reassessment, shall include:

(1) The procedural safeguard requirements provided in WAC 392-171-[illegible] (1)(a) and also shall be issued in compliance with the provisions of WAC 392-171-[illegible] (2) and (3);

(2) The reasons for reassessment (i.e., required three-year reassessment or reassessment upon request). If the reassessment is upon request, the notice shall include the source of and reasons for such request;

(3) A statement that the student's records will be reviewed as a part of the reassessment and that the parents (or adult student) have the right to submit to the multidisciplinary team any information they deem important to the reassessment;

(4) A statement that the multidisciplinary team will determine the need, if any, for replication of previous assessment procedures and the need, if any, for additional assessment procedures;

(5) A list of the disciplines to be represented on the multidisciplinary team as required by WAC 392-171-[illegible].

**WAC 392-171-[illegible] REASSESSMENT—PURPOSES.** The purposes of reassessment of identified children having a handicapping condition are to determine one or more of the following:

(1) Whether the student is appropriately identified—i.e., having or not having a handicapping condition or appropriately classified—i.e., having one or more particular handicapping conditions specified in WAC 392-171-[illegible] through 392-171-[illegible];

(2) Whether the program designed for the student is appropriate to meet the student's unique needs, abilities, and limitations; and

(3) Whether the student meets the continuing eligibility requirements of WAC 392-171-[illegible](1) or 392-171-[illegible].

**WAC 392-171-[illegible] REASSESSMENT—NOTICE OF RESULTS.** Following the completion of the reassessment and based on the reassessment results, the district superintendent or his or her designee shall record in writing one or more of the following decisions:

(1) Whether the student is appropriately or inappropriately identified as handicapped.

(2) Whether the student is appropriately classified as having a particular handicapping condition and is in need of special education services.

(3) Whether the program designed for the student is appropriate to the student's unique needs, abilities, and limitations.

(4) Whether the student meets the continuing eligibility requirements of WAC 392-171-521(3) or 392-171-531.

In accordance with WAC 392-171-521, the parent (or adult student) shall be notified pursuant to the content of notice prescribed in WAC 392-171-556 of the school district's decision within ten calendar days following the completion of the reassessment. When a determination is made that the program is inappropriate, an individualized education program committee meeting shall be convened in accordance with WAC 392-171-476 through 392-171-500. When special education services are to be discontinued, notice shall be given the parent(s) pursuant to WAC 392-171-521.

**WAC 392-171-517 Reassessment—Three-Year Requirement.** If the reassessment is the result of the three-year reassessment requirement, the multidisciplinary team based on the professional judgment of the members thereof—i.e., a reasonable degree of professional certainty—shall determine and document the following:

(1) Whether the student is appropriately identified or appropriately classified. If not, the multidisciplinary team shall follow the procedures specified in WAC 392-171-516.

(2) Whether the current program is appropriate to the student's unique needs, abilities, and limitations. If not, the multidisciplinary team shall follow the procedures specified in WAC 392-171-516.

(3) Whether the student meets the continuing eligibility requirements of WAC 392-171-521(3) or 392-171-531. In making such determination, the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or assessment process used for the determination of continuing eligibility.

(4) Whether assessment procedures should be replicated or conducted by members of the multidisciplinary team or other professionals not represented on the multidisciplinary team to provide reasonable professional certainty that the reassessment results are accurate. In making such determination, members of the multidisciplinary team shall be governed by the generally recognized professional practice standards of their respective disciplines. Members of the multidisciplinary team shall defer to the professional judgment of a team member who requests the replication or conduction of a particular assessment procedure.

**WAC 392-171-516 REASSESSMENT—APPROPRIATE IDENTIFICATION OR CLASSIFICATION.** If the reassessment is upon request of the student's parent (or adult student), teacher, or individualized education program committee and concern is stated that the student is or may be inappropriately identified as handicapped or inappropriately classified as having a particular handicapping condition, the reassessment process shall address each component of the eligibility criteria for the identified or suspected handicapping condition pursuant to WAC 392-171-381 through 392-171-451. The assessment procedures stated therein shall be conducted unless the multidisciplinary team based on a reasonable degree of professional certainty determines that the replication of a particular assessment procedure is not necessary for one or more of the following reasons:

(1) That previous assessment procedures were conducted accurately;

(2) That a particular assessment procedure is unnecessary to determine the accuracy of the identification or classification;

(3) That an alternative assessment procedure is more or equally appropriate to determine the accuracy of the identification or classification.

**WAC 392-171-518 REASSESSMENT—APPROPRIATENESS OF PROGRAM.** If the reassessment is upon the request of the student's parent (or adult student), teacher, or individualized education program committee and concern is stated that the current program is or may be inappropriate to the student's unique needs, abilities, and limitations, then the assessment procedures utilized to determine the appropriateness of the student's special education and related services program, including recommendations for changes therein, shall be determined by the multidisciplinary team. In making such determination the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or assessment procedures utilized.

## VIII. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

### A. Input and Implementation

SEE ALSO APPENDIX F

P.L. 94-142 requires that each state set forth procedures for the development and implementation of a comprehensive system of personnel development. Through carefully and well-developed procedures, Washington State has demonstrated a long-standing commitment, through both inservice and preservice training, to assure that all personnel working with handicapped children and youth demonstrate the highest quality of professional competence.

Washington's CSPD relies on participation and input from all public and private institutions of higher education, the SEA, LEAs (including administrators, regular and special education teachers, support personnel, and parents), professional organizations, parent organizations, and advocacy organizations for the handicapped. The CSPD development process incorporates needs identified by these participants into training goals and objectives relating to both inservice and preservice.

There are two planning bodies for inservice training: (1) the Inservice Training Planning Committee (ITPC) and (2) the Special Education Advisory Council (SEAC). The ITPC is chaired by the SEA Inservice Training Coordinator, Special Education Section, Division of Special Services and Professional Programs. Members represent the following groups: public and private university special education programs; educational service district special education directors and inservice training coordinators; and LEA special education directors, special education teachers, related services personnel, principals of regular and special education facilities, and district level administrators. The ITPC performs the following tasks:

(1) Collects and/or reviews inservice and preservice training needs assessment data including personnel needs, content needs, and groups requiring training;
(2) Establishes and monitors systems for reliable distribution of information on inservice training and resources (including goals, priorities, services, available funding, training opportunities and programs, etc.);
(3) Set three-year goals and annual priorities;
(4) Develops processes for funding of inservice training;
(5) Reviews evaluation data, setting expectations for outcomes and dissemination of products;
(6) Provides ongoing feedback from professional role groups represented; and
(7) Assists in grant-writing and other specialized activities related to training, upon request, to groups or as individuals.

The Special Education Advisory Council includes representatives of public and private institutions of regular and higher education, and of handicapped, parent, and other advocacy organizations. Both groups focus on field input into the CSPD, and annual review and updating of the system. The inservice training coordinator also maintains informal contacts with parent, advocacy, and specialized professional organizations for the purpose of planning and updating of the CSPD.

Planning for preservice training occurs in close coordination with higher education and hiring districts. The inservice training coordinator consults regularly with representatives of the Association of Trainers of Special Education Personnel (ATSEP) which is composed of special education trainers from public and private universities and colleges with approved special education degree programs. These institutions include: Central Washington University (Ellensburg), University of Washington (Seattle), Washington State University (Pullman), Eastern Washington University (Spokane), Pacific Lutheran University (Tacoma), Saint Martin's College (Lacey), Seattle Pacific University (Seattle), Seattle University (Seattle), and the University of Puget Sound (Tacoma). Consultation with ATSEP involves cooperative planning of preservice (and inservice) training, and discussion of feedback from field practitioners on needs for preservice (and inservice) training. These discussions and planning contribute heavily to the planning, review and updating of Washington's CSPD.

## II. Needs Assessment

Inservice training needs are identified through a variety of processes, including:

(1) LEA applications for P.L. 94-142 funds which requires districts to address projected personnel needs, by category, for the coming year; (see CSPD Plans)
(2) needs assessments and interviews done during the program review process;
(3) special-group surveys, such as the fall 1985 survey of inservice training needs of special education personnel throughout Washington State conducted by University of Washington staff (this assessment is conducted annually);
(4) input from parent, advocacy, and specialized professional organizations from informal contacts;
(5) input from the Association of Trainers of Special Education Personnel (ATSEP), an organization composed of special education trainers from public and private universities and colleges with approved special education degree programs;
(6) input from OSPI, Educational Service Districts, and LEA staff; and
(7) review of grant evaluations and inservice training evaluations.

The 1985 inservice needs assessment survey was conducted on a select sample of personnel across the state of Washington using the same format as the two previous surveys which provided common statewide data yet allowed for ESD adaptation to tap local needs. Data obtained reflect the opinions and needs of seven categories of educational professionals: special education directors, special education teachers, communication disorders specialists, occupational and physical therapists, psychologists, principals, and regular education teachers. Individual forms were developed for each category. These competency lists were originally generated by a group of directors from across the state, through a modified Delphi technique, and were later refined.

Each Inservice Coordinator for the nine ESDs, was requested to disseminate the survey to personnel within each of the seven categories: special education directors (2), special education teachers (5), principals (4), psychologists (4), OT/PT (3), CDS (3) and regular education teachers (5), for a total of 25 personnel per ESD. These personnel completed the forms and returned them to their ESD inservice coordinators who forwarded them to the University of Washington office for data analysis. The twelve items which are priority content areas and which are specific to each of the seven categories were rated on a three-point scale (1 = low need, 2 = moderate need, 3 = high need).

A complete needs assessment of all professionals will be conducted in spring 1986 and results available by May 30, 1986. The process will be similar to that described above except the sample will include all personnel in the above categories (not a selection) and two new groups will be surveyed, nurses and counselors.

Local staff members are involved in planning inservice training both directly and through their representatives on such groups as the ITPC, the SEAC, and the State Staff Development Council. Needs assessment and evaluation processes are reviewed by the Inservice Training Planning committee in order to ensure that training priorities, activities, and grants flow from actual and current needs, and to ensure that an adequate system of evaluation of both process and content is maintained.

Following identification of training needs, the needs are prioritized and translated into training goals and supporting objectives which address both content and target audiences. Proposals are solicited, programs developed, and training conducted to achieve these objectives. Evaluation results continually obtained throughout these phases are incorporated into subsequent training needs.

It is not necessary to include in the State Plan tabular data on personnel employed and needed as these data are now submitted in the Annual Data Report. There is a critical need for retraining of currently employed personnel, due to the use of tenured regular education personnel in special eduction because of decreasing education funding; the increasing use of new technology such as computers; and also redefinition of some professional roles. OSPI is currently funding projects and activities to address these needs, such as least restrictive environment, regular/special education interfacing, resolution of communication barriers, research on the consulting teacher model and product development for the use of computer-assisted instruction with severely handicapped students, and providing assistance to professional organizations addressing these areas of need. In addition, needs assessments for 1986-88 will include further data collection on number of staff needing retraining and type of retraining needed.

Inservice training programs are targeted toward specific audiences, but open to any interested parties. Target audiences include: special education instructional personnel, regular teachers, physical education teachers, vocational teachers, administrators, psychologists, communication disorders specialists, therapeutic recreational specialists, occupational and physical therapists, nurses, health services/medical personnel, audiologists, social workers, counselors, educational diagnosticians, para-professional aides, parents, and volunteers.

Preservice training programs are closely coordinated with recommendations of AFSHP, institutions of higher education, and hiring districts. Programs are developed, revised, and adapted according to most current needs. These programs are reviewed and approved by staff from the Professional Education Section, Division of Special Services and Professional Programs. Target populations for pre service training include general education and special education instructional and administrative personnel, support personnel, and others such as paraprofessionals and parents.

## III. Inservice

The Personnel Development Plan is based on input from a consistent group of highly competent professionals from varied roles and geographic areas which allows for adequate representation in the personnel planning process focusing on inservice needs. This planning process, described in Section I, maintains desired reliability and consistency in the system.

Complete results of the Fall, 1985 needs assessment are described in Tables 1-16 in Appendix B. The three top priorities for each of the seven categories of educational professionals surveyed are:

A. Special education teachers
   1. Use of computers in special education
   2. Curriculum based/classroom based assessment
   3. Teaching social skills

B. Regular education teachers
   1. Teaching study skills
   2. Behavior management
   3. Teaching social skills

C. Special education directors
   1. Programming for behavior disorders
   2. Coordination of regular education/special education programs
   *3. Alternative placements of low functioning students
   *3. Program evaluation

D. School Principals
   1. Staff burnout
   2. coordinating regular education and special education
   3. Programming for behavior disorders

E. OT/PT
   1. Adaptive technology
   2. Educational significance of physical problems
   3. Consulting skills with teachers

F. School Psychologists
   1. Update on behavioral disabilities programming
   2. Distinguishing disciplinary problems from behavioral disabilities
   *3. Social skills training
   *3. Curriculum based/classroom based assessment

G. Communication Disorders Specialists
   1. Programming for severely involved
   *2. Communication assessment for preschool
   *2. Communication assessment for severely involved
   3. Computer report writing

(* = denotes tie)

OSPI provides grants to, or contracts with, institutions of higher education, local and regional educational agencies, institutions, and organizations (which may include parent, handicapped, or other advocacy organizations), to carry out:

1) Experimental or innovative personnel development programs;
2) Development or modification of instructional materials; and
3) Dissemination of significant information derived from educational research and demonstration projects.

Evaluation of inservice training grants is based upon the objectives set out by the individual project. OSPI requires that each training project:
1) Enumerate the training objectives in measureable terms;
2) Collect systematic evaluation data based upon the objectives;
3) Show dissemination of results, information, and/or products; and
4) Submit a final report to OSPI linking each objective to the results of the evaluation.

Monitoring of inservice grants may take place through written data, on-site visits, telephone contacts, third party evaluations, evidence of improvement in local district program compliance meetings of OSPI staff with training participants to discuss outcomes, and/or other means determined to be appropriate for the individual grant. Individual inservice training activities may be evaluated by participants through evaluation questionnaires, to include assessment of future training needs or by other appropriate means.

The table on the following pages presents information regarding inservice training for target populations, with program objectives, content and nature of the training, a description of the trainers, funding sources, and the timeline. Incentives to ensure the participation in training of teachers and other personnel may include release time, payment for participation, options for free or low-cost academic credit, salary step credit, certification renewal, updating of professional skills, professional networking and other incentives designed by sponsoring districts, agencies or organizations. Local staff members are involved in planning inservice training activities both directly and through their representatives on such groups as the Inservice Training Planning Committee, the Special Education Advisory Council, and the State Staff Development Council. The discretionary grant process, information dissemination networks, and higher education training resources are used to encourage the use of innovative practices which have been found to be effective.

## IV. Preservice

Preservice planning for the Personnel Development Plan occurs in close coordination with higher education and hiring districts. Programs are developed, revised and adapted according to most current needs. The training coordinator consults with representatives of the Association of Trainers of Special Education Personnel (ATSEP), which is composed of special education trainers from public and private universities and colleges with approved special education degree programs. Consultation involves cooperative planning of preservice and inservice training, and discussion of feedback from practitioners in the field on needs for preservice as well as inservice training.

The current focus of preservice training of special education personnel in the state of Washington is the development of a new system of certification for special education classroom teachers. The State Board of Education (SBE) has authorized the Professional Education Advisory Committee (PEAC) to study special education certification and make recommendation to SBE regarding needed changes.

PEAC is comprised of a broad range of preservice program representatives, school administrators, professional education interest groups and representatives from local district boards of education. The SEA staff provides support, information, and technical assistance to PEAC.

The initial recommendations of PEAC are scheduled for implementation by the State Board of Education in July 1988 with full implementation during the 1987-89 plan period.

The special education section, OSPI will continue to provide liaison between PEAC and the Association of Trainers of Special Education Personnel (ATSEP) through the Inservice Training Coordinator. Recommendations of PEAC are reviewed by the Special Education Advisory Council as they apply to the preservice education of special education personnel.

## V. Dissemination and Adoption

There are multiple sources for acquiring information on promising educational practices and materials proven effective through educational research and demonstration projects, including: reassessment of educational practices during program reviews; grant applications and evaluations; feedback from inservice coordinators, special education directors, parent and professional organizations, and institutions of higher education; OSPI staff visits to promising programs and training activities; and feedback from individual professionals and from professional publications from the field. These sources also provide for the identification of resources which will assist in meeting the State's personnel preparation need including human resources and material from the state, local, and regional levels.

As previously noted in this Plan, one of the tasks of the Inservice Training Planning committee is to formulate a system for review and dissemination of this information, using existing networks such as state and educational service district personnel, professional and parent organizations, and the Special Net system. The special education inservice coordinators are particularly helpful in reviewing and disseminating promising practices and products. They share information and resources at their monthly meetings, and carry materials and information back to their respective regions. They review program monitoring information not only to provide technical assistance but also to identify and disseminate useful materials and practices, and to identify part of the program review process.

Institutions of higher education are instrumental in the identification, development, and dissemination of promising practices and materials, through research, demonstration and training projects, and preservice and inservice classes. Advocacy, parent, and professional organizations offer training and written information through workshops, newsletters, parent training, and other activities.

Through these various dissemination activities regular education and special education teachers, support personnel, administrators, parents, and agencies and organizations locally and statewide become aware of the most current information and practices available.

Once new ideas have been favorably reviewed and disseminated, their use is encouraged and established in new training grants and programs. The inservice coordinators prepare technical assistance packets for use by local districts, on subjects such as assessments and the development of IEPs. They also design direct training activities and serve as brokers for training opportunities. Thus, training is designed to enable the establishment of innovative programs through use of instructional materials and other media for personnel development and instructional programming.

## VI. Technical Assistance

Sources of assistance for local education agencies in their implementation of the CSPD include:

1) the program review (monitoring) process for P.L. 94-142, with accompanying and follow-up technical assistance from state and regional personnel;
2) OSPI Special Services staff, assigned to provide both content-area expertise and coordination with specific educational service districts (and the local districts therein);
3) Educational service district special education directors and inservice coordinators, for direct training or information and referral to other sources, coordinated with OSPI;
4) Information dissemination through state-level and regional meetings, informational bulletins, Special Net, and other channels;
5) coordination with organizations and committees such as the Inservice Training Planning committee, ATSEP, SEAC, professional and parent organizations, which represent or have an impact on local district concerns;
6) Direct assistance by the training coordinator to local and regional personnel, on training areas including needs assessment, planning, and evaluation; and
7) Use of instructional materials and other media for personnel development and instructional programming.

## PRIORITIES FOR SPECIAL EDUCATION INSERVICE TRAINING

| Needs | Primary Target Populations | Trainers | Content and Nature | Timeline | Funding Sources | Program Objectives |
|---|---|---|---|---|---|---|
| (1) Cooperative Planning and Programming: | | | | | | |
| a. Preservice-Inservice Interface | IHE, SEA, ITPC, RISEP | IHE, SEA, ITPC, RISEP | Review of current and projected staff and training needs; cooperative planning of preservice and inservice training; study of rule shifts and resulting training needs. | 1987-89 | VI-B | 1. To insure preservice and inservice training meet actual and intermediate needs. |
| 1) Barrier Resolution/ Teachers and Principals | District teams including representatives of AWSP, WEA, WSSDA, and WASA | Educational Associations and SEA | Development of effective programs through team problem-solving and planning, with representatives selected by participating professional organizations | 1987-89 | VI-D,<br>VI-B | 1. To increase communication between regular and special education<br>2. To increase communication between administrators and classroom teachers |
| 2) LRE/mainstreaming | Regular and Special Education administrators and staff, parents | SEA, ESD, LEA, IHE, Educational Associations, parents | Ongoing training and materials on appropriate and expanded program and service delivery options | 1987-89 | VI-D,<br>VI-B<br>State<br>Local | 1. To insure service delivery to handicapped students in the least restrictive environment<br>2. To increase special education/ regular education communication<br>3. To increase parent/professional communication |
| 3) Multidisciplinary team | MDTs and preservice | SEA, ESD, LEA, IHE, Educational Associations | Ongoing training in assessment strategies, program planning, IEP development, and (re) evaluation of student progress and placement | 1987-89 | VI-B,<br>State<br>Local | 1. To clarify eligibility criteria for service delivery<br>2. To insure a statewide comprehensive, systematic assessment process<br>3. To insure assessment results produce quantifiable data which can be used for classroom planning |
| b. Regular education - special education interface | | | | | | |
| c. Mediation training | SEA, ESD | Consultants | Training in mediation skills and strategies for SEA trained mediators | 1987-89 | VI-B,<br>VI-D<br>State | 1. To update mediation skills of trained mediators |
| *(2) Administrative Issues: Funding, rules and regulations, other legal issues; program compliance | Administrators, IHE, ESD | SEA, ESD, IHE | Presentations, workshops, ongoing TA on new funding patterns, federal and state rules and regulations; school board policy development; administration training workshop through IHE | 1987-89 | VI-B,<br>State | 1. To increase awareness of implications for districts in rules and regulation changes<br>2. To insure program compliance with rules and regulations changes.<br>3. To insure funding compliance with rules and regulations |

| Needs | Primary Target Populations | Trainers | Content and Nature | Timeline | Funding Sources | Program Objectives |
|---|---|---|---|---|---|---|
| (3) LEA program implementation<br>*a. vocational and career education | [illegible]D, LEA; administrators, special education and vocational education staff; parents | IHE, SEA, ESD, Consultants | Development/dissemination of model practices and programs for public schools and institutions; training workshops | 1987-89 | VI-B,<br>VI-D<br>State | 1. To insure educational goals relate to students' vocational goals and needs<br>2. To insure effective transition from educational programs to realistic careers |
| b. Secondary programs | ESD and LEA staff | Consultants | (same as above) | 1987-89 | VI-B | 1. To increase appropriateness of secondary special education curriculum<br>2. To decrease drop-out rates of secondary special education students |
| *c. Programs for SBD and acting-out/dangerous students | ESD and LEA staff, psychologists counselors, OTs, aides | IHE, SEA, ESD, consultants | (same as a. above, and review of student discipline laws and procedures) |  | VI-B | 1. To insure SBD students are identified<br>2. To increase programming options for SBD students<br>3. To insure full service delivery for SBD students in the LRE |
| *d. Programs for severely handicapped | LEA and institution personnel dealing with severely handicapped students | IHE and institutions | Multidisciplinary team training with field-based follow-up; development of materials, dissemination of best practices and information on curricula and other resources | 1987-89 | VI-B,<br>VI-D | 1. To insure services for SH students are in accordance with current best practices<br>2. To provide follow-up support to classroom teachers relevant to immediate needs<br>3. To increase instructional options for SH students |
| (4) Supportive parent involvement | Parents, educators | Parents, associations, SEA | Parent training workshops, conferences, materials; parent support program for parents of newly identified handicapped students | 1987-89 | VI-B,<br>VI-D | 1. To increase parent involvement in their child's educational programming<br>2. To increase parent awareness of their rights and responsibilities<br>3. To increase parent/professional communication |
| (5) Specialized programs |  |  |  |  |  |  |
| a. Visually impaired | Regular and special education staff working with visually impaired | IHE, ESD, Institutions | Training for regular and special education teachers | 1987-89 | VI-B | 1. To increase the ability of regular and special education staff to deal with visually impaired<br>2. To create a peer support network among staff working with VI statewide<br>3. To identify model programs for staff visitation |

| Needs | Primary Target Populations | Trainers | Content and Nature | Timeline | Funding Sources | Program Objectives |
|---|---|---|---|---|---|---|
| b. Arts for the Handicapped | ESD, LEA staff | Consultants | Integration of curriculum into special education programs; adapting instruction for handicapped students; participatory training sessions, materials | 1987-89 | VI-B, State | 1. To insure handicapped students have equal access to art curricula |
| c. Gifted handicapped | Multidisciplinary teams, especially special education teachers and psychologists | Consultants | Training manual, workshops | 1987-89 | VI-B | 1. To insure identification of gifted handicapped students<br>2. To insure comprehensive, appropriate service delivery for GH students |
| d. Computers/technology in the classroom | Special education teachers OT-PT LEA, ESD staff | SEA, ESD Consultants | Ongoing training in the application of technology to special education programs | 1987-89 | VI-B, State | 1. To increase awareness of computer programs available for use in handicapped programming<br>2. To insure appropriate use of computers in handicapped programming<br>3. To increase student progress through use of computer education |

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# IX. PARTICIPATION OF PRIVATE SCHOOL CHILDREN

## A. GOAL STATEMENT

The state of Washington assures that to the extent consistent with the number and location of handicapped children in the state who are enrolled in private elementary and secondary school, provision is made for the participation of such children in the program assisted or carried out under Part B by providing special education and related services for these children.

## B. STATE STANDARDS

**WAC 392-171-646 DEFINITION--"PRIVATE SCHOOL HANDICAPPED STUDENT(S)."** For the purpose of WAC 392-171-651 through 392-171-686 "private school handicapped student(s)" means handicapped students enrolled in private schools or agencies but not as the result of a contractual arrangement between a public school district and the private school or agency.

**WAC 392-171-651 SCHOOL DISTRICT RESPONSIBILITY FOR PRIVATE SCHOOL HANDICAPPED STUDENTS.** Subject to the provsions of WAC 392-171-656 through 392-171-686:

(1) Each school district shall provide special education and related services designed to meet the needs of private school handicapped students who reside in the school district.

(2) Each school district shall provide private school handicapped students with genuine opportunities to participate in special education and related services consistent with the number of those students and their needs.

**WAC 392-171-656 DETERMINATION OF NEEDS, NUMBERS OF STUDENTS AND TYPES OF SERVICES.** The needs of private school handicapped students, the number who will participate, and the types of special education and related services which the school district will provide them shall be determined after consultation with persons knowledgeable of the needs of these students on a basis comparable to that used in providing for the participation under this chapter of handicapped students enrolled in public schools.

**WAC 392-171-661 SERVICE ARRANGEMENTS.**

(1) Special education and related services to private school handicapped students mayu be provided through such arrangements as dual enrollment pursuant to chapter 392-181 WAC, educational radio and television, and the provision of mobile educational services and equipment.

(2) No services, material, or equipment of any nature shall be provided to or on the site of any private school or agency subject to sectarian (i.e., religious) control or influence.

(3) Handicapped students enrolled in any private school or agency subject to sectarian control or influence shall be provided services in a manner that:

(a) Maintains a physical and administrative separation between the private and the public school programs and

(b) Does not benefit the private school at public expense, e.g., pursuant to dual enrollment or shared time arrangements in accordance with chapter 392-181 WAC.

**WAC 392-171-666 PERSONNEL IN PRIVATE SCHOOLS AND AGENCIES.**

(1) School district personnel may be made available to nonsectarian private schools and agencies only to the extent necessary to provide services required by the handicapped student for whose needs those services were designed and only when those services are not normally provided by the nonsectarian private school or agency.

(2) Each school district providing services to students enrolled in nonsectarian private schools or agencies shall maintain continuing administrative control and direction over those services.

(3) Services to private school handicapped students shall not include the payment of salaries of teachers or other employees of private schools or agencies, except for services performed outside regular hours of the school day and under public supervision and control.

**WAC 392-171-671 EQUIPMENT—CONSTRUCTION.**

(1) Equipment used in the care of students with handicapping conditions in a private school or agency may be placed on nonsectarian private school or agency premises for a limited time, but title to and administrative control over all equipment must be retained and exercised by the school district.

(2) Records shall be kept of equipment and an accounting made of the equipment which shall assure that the equipment is used solely for the purposes of the program.

(3) The equipment shall be removed from the private school or agency if necessary to avoid its being used for other purposes or if it is no longer needed for the purposes of the program or project.

(4) Funds shall not be used to construct facilities for private schools or agencies.

**WAC 392-171-676 PROHIBITION OF SEGREGATION.** Programs or projects carried out in public facilities, and involving joint participation by handicapped students otherwise enrolled in private schools or agencies and handicapped students enrolled in public schools, shall not include classes that are separated on the basis of school enrollment or the religious affiliations of the students.

**WAC 392-171-681 FUNDS AND PROPERTY NOT TO BENEFIT PRIVATE SCHOOLS.** Public funds provided and property derived from those funds shall not insure to the benefit of any private school or agency.

**WAC 392-171-686 EXISTING LEVEL OF INSTRUCTION.** Provisions for serving private school handicapped students shall not include the financing of the existing level of instruction in a private school or agency.

## C. PROCEDURES

All handicapped children attending a private school shall be eligible to participate in appropriate handicapped programs provided by a LEA. The procedure to allow such participation is described in the following state statute:

> **RCW 28A.41.145 PART TIME STUDENTS—DEFINED—ENROLLMENT AUTHORIZED--REIMBURSEMENT FOR COSTS--FUNDING AUTHORITY RECOGNITION--RULES, REGULATIONS.**
>
> (1) For purposes of this section, the following definitions shall apply:
>
> (a) "private school student" shall mean any student enrolled full time in a private or private sectarian school;
>
> (b) "school" shall mean any primary, secondary or vocational school;
>
> (c) "school funding authority" shall mean any non-federal governmental authority which provides moneys to common schools;
>
> (d) "part time student" shall mean and include any student enrolled in a course of instruction in a private or private sectarian school and taking courses at and/or receiving ancillary services offered by any public school not available in such private or private sectarian school district and any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.
>
> (2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students, including (a) the part time enrollment of students involved in any work training program and desirous of taking courses within the district upon the school board's approval of any such work training program and (b) the part time enrollment of any private school student in any school within the district for the purpose of attending a class or classes or a course of instruction if the class, classes, or course of instruction for which the private school student requests enrollment, are unavailable to the student in the private school in which the student is regularly enrolled: Provided, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.
>
> (3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) and shall include such costs in the distribution of funds to school districts

pursuant to RCW 28A.41.140. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2), and shall include said costs in funding the activities of said school districts.

(5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.41.140 and 28A.41.145.

In addition to the requirement set forth in 28A.41.145 and 34 CFR 76, the SEA assures that when such dual enrollment occurs for the purpose of providing special education to a private school child, the private school shall be involved with the LEA in the development of the child's IEP process and the provision of "specially designed instruction" provided to meet the unique needs of handicapped children as per WAC 392-171-366(1c) and (1f); 392-171-456 and 461, 392-171-315(4) and 392-171-651, special education and related services are provided to private school children which are different from the special education and related services provided to public school students at anytime when such differences are needed to meet the unique needs, abilities, and limitations of the individual student.

The Local Education Agency Application requires district that have private school within their boundaries to ensure the implementation or continuation of procedures to determine the needs, number of students and types of services within the jurisdiction of the agency and to ensure that the district conducts and/or participates in the IEP meetings of these private school handicapped students.

The State Education Agency does not carry out projects directly with children enrolled in private school.

## X. PLACEMENT IN PRIVATE SCHOOLS

### A. GOAL STATEMENT

The state of Washington assures that handicapped children in private schools and facilities will be provided special education and related services (in conformance with an individualized education program as required in Part B) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the State or appropriate local educational agency as a means of carrying out the requirements of (Part B) or any other applicable law requiring the provision of special education and related services to all handicapped children within such State, and in all such instances the State Education Agency shall determine whether such schools and facilities meet the standards that apply to State and local education agencies and that children so served have all the rights they would have if served by such agencies.

## B. STATE STANDARDS

**WAC 392-171-491 CONTRACTUAL SERVICES.**

(1) School districts, severally or jointly, shall be authorized to:

(a) Enter into interdistrict agreements with another school district(s) pursuant to RCW 28A.58.075, 28A.58.245, 28A.58.250, and chapter 392-135; and

(b) Contract with nonpublic and public school agencies for special education and related services for handicapped students: PROVIDED, That the school district establishes that it cannot provide an appropriate education for the handicapped student within the district or another school district: PROVIDED FURTHER, That in the case of a cooperative placement by a school district of a handicapped student at a center for the furtherance of research and training in hanciapping conditions as established pursuant to RCW 28B.20.410 through 28B.20.414, as now or hereafter amended, or other such centers as may be established at other public institutions of higher education, as defined in RCW 28B.10.016, the school districts shall establish that the parent (or adult student) has given written approval for placement of the handicapped student at such center despite the existence of an appropriate education for the handicapped student within the district or another school district and has agreed that such placement would equal or substantially equal the placement available in the school district.

(2) If a handicapped student has special education and related services available in his or her public school district of residence and the child is placed in another public school district or in a public or private school or facility other than pursuant to a contractual arrangement between the student's district of (initial) residence shall not be required to pay for the student's education or otherwise be responsible for the education of the student, except to the extent the student may qualify for services as a private school student pursuant to WAC 392-171-646 et seq.

**WAC 392-171-496 APPROVAL OF NONPUBLIC AND PUBLIC SCHOOL AGENCIES.** A school district shall not either place a student in a nonpublic or public school agency or award a contract to a nonpublic or public school agency until the nonpublic or public school agency has been approved by the state board of education. Approval of such agencies shall be made in accordance with the following procedures:

(1) The school district shall establish that all requirements imposed by this chapter for contracting with a nonpublic or public school agency can be met and shall forward the nonpublic or public school agency's application

to the superintendent of public instruction or his or her designee;

(2) The superintendent of public instruction or his or her designee shall recommend approval or disapproval of the agency to the state board of education; and

(3) The superintendent of public instruction or his or her disignee shall notify the requesting school district and nonpublic or public school agency of approval or disapproval.

**WAC 392-171-501 SCHOOL DISTRICT RESPONSIBILITY WHEN CONTRACTING FOR PLACEMENT IN A NONPUBLIC OR PUBLIC SCHOOL AGENCY.** Any school district contracting with an approved nonpublic or public school agency for special education and/or related services in behalf of a handicapped student shall:

(1) Initiate and conduct a meeting with appropriate personnel and the student's parent(s) for the purpose of developing the student's individualized education program. The district shall assure that a representative of the nonpublic or public school agency attends the meeting or in some way assure participation by the nonpublic school agency. Meetings to review or revise the student's individualized education program after the student has been placed shall be initiated and conducted by the nonpublic or public school agency at the discretion of the school district. The district shall assure that both the parent(s) (or the adult student) and the nonpublic school agency are represented in any decision concerning the student's individualized education program and agree to proposed changes in the program before those changes are implemented. The responsibility for compliance with this section lies with the school district.

(2) Develop a written contract which shall include, but not necessarily be limited to, the following elements:

(a) Names of the parties involved;

(b) The name of the handicapped student(s) for whom the contract is drawn;

(c) Location and setting;

(d) Description of program administration and supervision;

(e) Designation of coordinator of the services to be provided by the school district and the contractor;

(f) Assurance of compliance with staff licensing/certification requirements;

(g) Periodic student report requirements;

(h) Annual program monitoring procedures and requirements;

(i) Starting date and duration of contract;

(j) Program day and description of student's program;

(k) Charges and reimbursement--Billing and payment procedures;

(l) Total contract cost;

(m) Contract review;

(n) Disposition of materials and equipment upon termination;

(o) School district's responsibility for compliance with due process, individualized education program, and yearly review and determination of placement requirements;

(p) Contractor's policies and procedures covering:

(i) Care of student(s) in emergencies;
(ii) Fire drills;
(iii) Personnel policies;
(iv) staff duties; and
(v) Board of directors' duties and functions;

(q) Other contractual elements that may be necessary to assure compliance with state and federal rules and clearly define each party's role and functions; and

(r) signatures of authorized school and contractor officials.

**WAC 392-171-506 OUT OF STATE AGENCIES.** In the event the school district within which a handicapped student resides is unable to contract with another district, or a nonpublic or public school agency, or an appropriate state agency, the parent (or adult student) and district may jointly petition the superintendent of public instruction or his or her designee for state and federal special education funds to provide an educational program with an agency in another state or Canada.

Contractual arrangements for an out-of-state educational program shall be approved by the superintendent of public instruction or his or her designee prior to the student's placement in that program. The school district shall be responsible for:

(1) Determining that no appropriate in-state placement option is available and for making the decision that the student should be placed in an out-of-state program;

(2) Determining that the out-of-state educational program is appropriately licensed or approved by that state's authorities and that placement will result in an appropriate education for the student; and

(3) Contracting with the out-of-state agency pursuant to the requirements of WAC 392-171-491 through 392-171-501.

## C. PROCEDURES

The process for the contracting with nonpublic school agencies is detailed in an administrative procedure which is Appendix C.

It is the responsibility of the SEA to assure through rules and regulations and the state monitoring/auditing function that whenever a local school district places a handicapped student in a private school or agency, the rights of the student and his/her parent(s) are safeguarded. This assurance is stated in WAC 392-171-501. It is further stated in the administrative procedure for contractual approval.

### D. NONPUBLIC SCHOOL NOTICE AND PARTICIPATION

It shall be the policy of the division of Special Services, Office of Superintendent of Public Instruction, to provide to all nonpublic school agencies:

(1) Notice of pending rules changes
(2) Published rules and regulations
(3) Other state standards and procedures that relate to special education, and
(4) Opportunity to participate in the development of rules and regulations and the annual program plan

Nonpublic schools are represented on the State Advisory Council and receive notice of pending rule changes and other such procedures relating to special education. through the Advisory Council, they participate in the development of rules and regulations and the annual program plan.

## XI. RECOVERY OF FUNDS FOR MISCLASSIFIED STUDENTS

### A. GOAL STATEMENT

The state of Washington assures that the SEA shall seek to recover any funds made available under Part B for services to any student who is determined to be erroneously classified as eligible to be counted under the Act.

### B. STATE STANDARDS

**WAC 392-171-736 DEFINITION OF "UNLAWFULLY RECEIVED OR EXPENDED FUNDS."** For the purpose of WAC 392-171-741 through 392-171-756, "unlawfully received or expended funds" shall mean any state or federal special education funds received and held or expended by a school district in a manner or for a purpose that is in violation of any provision of:

(1) State statute or rule, including this chapter; or
(2) Any federal rule or condition to funding that may now or hereafter supplement this chapter.

**WAC 392-171-741 AUDITS.**

(1) The superintendent of public instruction or his or her designee shall conduct fiscal/program audits of school district special education programs. The purposes of such audits shall be:

(a) To determine compliance or noncompliance with:
(i) a school district's application(s) for state and federal excess cost funds;
(ii) the provisions of this chapter; and
(iii) any supplemental federal conditions to funding as may now or hereafter exist.
(b) To establish a factual basis for:
(i) the recovery of unlawfully received or expended state or federal special education funds; or
(ii) the initiation of fund withholding proceedings;

(2) Preliminary audit report--Following an audit, a preliminary written audit report shall be submitted to the school district for review and comment. The preliminary audit report shall include, but not be limited to:

(a) findings of noncompliance which could include comparisons to findings of noncompliance as a result of monitoring, if any; and

(b) Recommendations for remediation of any such instance(s) of noncompliance.

(3) The school district shall have fifteen days after the date of its receipt of the preliminary audit report to provide the superintendent of public instruction or his or her designee a written reply setting forth any supplemental arguments and/or facts that may serve as a basis for alteration of the preliminary finding(s) of noncompliance.

(4) Final audit report--A final written audit report shall be provided to the school district after review of the supplemental arguments and/or facts submitted by the district. The final audit report shall include, but not necessarily be limited to:

(a) Findings of noncompliance, if any; and

(b) Recommendations for remediation of any such instance(s) of noncompliance.

(5) The school district shall have fifteen days after the date of its receipt of the final audit report to provide the superintendent of public instruction or his or her designee a written plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remedy the instance(s) of noncompliance.

(6) The superintendent of public instruction or his or her designee shall either approve the plan as submitted or request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted the district shall be provided written notice of:

(a) Approval;

(b) The performance expected of the district; and

(c) the schedule for periodic review or audit of the district's progress toward remediation of the instance(s) of noncompliance.

**WAC 392-171-746 FUND WITHHOLDING.**

(1) In the event a school district fails to submit an approvable remediation plan pursuant to WAC 392-171-741 or fails to submit an approvable corrective action plan pursuant to WAC 392-171-731 or fails to comply with a remediation plan approved pursuant to WAC 392-171-741 or fails to comply with a corrective action plan pursuant to WAC 392-171-731, the superintendent or his or her designee shall provide the school district notice pursuant to RCW 34.04.90 of:

(a) Intent to withhold a specified amount of state and/or federal special education funds; and

(b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to commencement of the withholding.

(2) Funds may be withheld in whole or part in the event the district fails to request a hearing or the hearing decision upholds the final audit or monitoring in whole or part.

**WAC 392-171-751 RECOVERY OF FUNDS.**
(1) If a preliminary audit conducted pursuant to WAC 392-171-741 indicates that a district has unlawfully received and/or expended either state or federal special education funds, the superintendent of public instruction or his or her designee shall provide the school district with an opportunity for an informal conference prior to the final audit report.
(2) If the final audit report sets forth one or more instances of unlawful receipt of expenditure of either state or federal special education funds, the superintendent of public instruction or his or her designee shall take such action as he or she deems necessary to recover the funds including, but not limited to, a reduction in future allocations of any amount of any state funds and/or any amount of federal special education funds to the district.
(3) No right to a hearing in connection with the recovery of funds unlawfully received and/or expended is granted by this chapter.

## C. Procedures Used to Implement

The state education agency has a detailed process for the identification, assessment and program plan for each eligible handicapped child reported in the count to the state education agency. This process includes routine detailed reports on all handicapped children so identified with documentation available at the local education agency. The reports must be maintained on file and be accessible for state monitoring and auditing.

The state education agency shall conduct periodic program monitoring and program/fiscal audits of the local education agency, which include verification of reports submitted. The monitoring section of the APP further describes this procedure.

If, during the periodic monitoring and audit processes, a discrepancy is found in the identification or classification of any child which upon review results in the exclusion of this child from the funding provisions of the Act, the state education agency will take immediate steps to recover any funds previously paid or advanced to the local education agency related to the ineligibile child as a result of this exclusion.

# XII. HEARING ON LEA APPLICATION

## A. GOAL STATEMENT

The state of Washington assures that final action with respect to any application submitted by a local education agency or an Educational Service District shall not be taken without first affording the local education agency or Educational Service District involved reasonable notice and opportunity for a hearing.

## B. State Standards

**WAC 392-171-691 ANNUAL APPLICATIONS—CONTENTS.** As a condition to the receipt and expenditure of federal special education funds, a school district shall annually submit an application to the superintendent of public instruction or his or her designee on or before such date is announced and conduct its special education and related services program in compliance therewith. The applications shall be made pursuant to forms developed and distributed by the superintendent or his or her designee. Application forms shall include, but not necessarily be limited to, the following assurance(s) and types of information:

(1) An assurance that:

(a) The school district is in compliance with the provisions of this chapter and the rules implementing P.L. 94-142 (45 CFR 121a.1 et seq.) that may supplement this chapter;

(b) That the district shall remain in compliance with this chapter and any such supplemental rules for the entire school year; and

(c) That the funds applied for shall be expended in compliance with the application, this chapter, and any such supplemental federal rules;

(2) The information and assurances required by 45 CFR 121a.220 through 45 CFR 121a.240 and any other pertinent federal rules;

(3) Identification of the local district designee responsible for child identification activities and confidentiality of information;

(4) A description of the procedures and or activities to be implemented or continued to provide for:

(a) Identification, location and evaluation of handicapped children not currently receiving special education and related services;

(b) Assurance of confidentiality of personally identifiable information;

(c) Implementation of a system for personnel development;

(d) Involvement of parents of handicapped children;

(e) Participation of handicapped students with non-handicapped students;

(f) Placement of handicapped students in the least restrictive environment;

(g) Development of individualized education programs for each eligible handicapped student;

(h) Availability of career development and vocational education programs for handicapped students;

(i) A description of the numbers and types of handicapped students receiving special education and related services by placement option within the district's continuum of alternative placements;

(j) A description of the kind of and number of facilities, personnel, and services necessary to meet the district's full educational opportunity goal, including a detailed timetable for reaching that goal; and

(k) A description of the use of funds received under P.L. 94-142 (45 CFR 121a.1 et seq.).

(5) Any other pertinent information requested by the superintendent of public instruction which is necessary for the management of the special education program.

**WAC 392-171-696 DENIAL OF APPLICATIONS—OPPORTUNITY FOR HEARING.**

(1) In the event the superintendent of public instruction or his or her designee proposes to deny, in whole or part, the annual application of a district for federal special education funds, the district shall be provided notice pursuant to RCW 34.04.090 of:

(a) Intent to deny the application of the district; and

(b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to a denial of the application.

(2) The district's application may be denied, in whole or part, in the event the district fails to request a hearing or the hearing decision upholds the proposed basis for denial.

## C. PROCEDURES AND TIMELINES

In the event the superintendent of public instruction or his or her designee proposes to deny, in whole or part, the application of a district for state or federal handicapped funds, the district shall be provided notice pursuant to RCW 34.04.090, and the procedures outlined in RCW 34.04.090 to 140 shall be followed.

**34.04.090 CONTESTED CASES—NOTICE—HEARING-SUMMARY ORDERS—INFORMAL DISPOSITION—RECORD—FINDINGS OF FACT—AGENCY'S POWERS.**

(1) In any contested case all parties shall be afforded an opportunity for hearing after not less than twenty days notice; but no hearing shall be required until the hearing is demanded unless other statutory provisions or agency rules provide otherwise. The notice shall include:

(a) A statement of the time, place and nature of the proceeding;

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and rules involved;

(d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon request a more definite and detailed statement shall be furnished.

(2) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

(3) An agency may provide by rule for entry of summary orders in part or in whole after notice and hearing to all

parties. The motion shall be granted if the pleadings, dispositions and admissions on file, together with the affidavits, if any, show there is no genuine issue as to any material fact and that the moving party is entitled to the order as a matter of law.

(4) Unless precluded by law, informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default.

(5) The record in a contested case shall include:

(a) All pleadings, motions, intermediate rules;

(b) Evidence received or considered;

(c) A statement of matters officially noticed;

(d) Questions and offers of proof, objections, and ruling thereon;

(e) Proposed findings and exceptions;

(f) Any decision, opinion, or report by the officer presiding at the hearing.

(6) Oral proceedings shall be transcribed for the purposes of agency decision pursuant to RCW 34.04.110, as now or hereafter amended, rehearing, or court review. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the reasonable costs thereof.

(7) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(8) Each agency shall adopt appropriate rules of procedure for notice and hearing in contested cases.

(9) Agencies, or their authorized agents, may:

(a) Administer oaths and affirmations, examine witnesses, and receive evidence, and no person shall be compelled to divulge information which he could not be compelled to divulge in a court of law,

(b) Issue subpoenas as provided in RCW 34.04.105,

(c) Rule upon offers of proof and receive relevant evidence,

(d) Take or cause depositions to be taken pursuant to rules promulgated by the agency, and no person shall be compelled to divulge information which he could not be compelled to divulge by deposition in connection with a court proceeding,

(e) Regulate the course of the hearing,

(f) Hold conferences for the settlement or simplification of the issues by consent of the parties,

(g) Dispose of procedural requests of similar matters,

(h) Issue summary orders,

(i) Make decisions or proposals for decisions pursuant to RCW 34.04.110,

(j) Take any other action authorized by agency rule consistent with this chapter.

**34.04.100 CONTESTED CASES--RULES OF EVIDENCE--CROSS-EXAMINATION.** In contested cases:

(1) Agencies, or their authorized agents, may admit and give probative effect to evidence which possess probative value commonly accepted by reasonably prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. They may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(2) All evidence, including but not limited to records and documents in the possession of the agency of which it desires to avail itself, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

(3) Every party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence.

(4) Agencies, or their authorized agents, may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within their specialized knowledge. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. Agencies, or their authorized agents, may utilize their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

### 34.04.105 AGENCY HEARINGS AND CONTESTED CASES—HEARINGS, OATHS, SUBPOENAS, EVIDENCE, WITNESSES-CONTEMPT.

(1) In order to determine the necessity or desirability of adopting, amending, repealing, or otherwise revising a rule or proposed rule, agencies may hold public hearings, subpoena witnesses, administer oaths, take the testimony of any person under oath, and in connection therewith, require the production for examination of any books or papers relating to the subject matter of contemplated regulation. Each agency may make rules as to the issuance of subpoenas by the agency or its authorized agents. This subsection shall not preclude the exercise of subpoena powers for investigative purposes granted agencies by other statutory provisions.

(2) In any contested case after service of notice as required in RCW 34.04.090(1), as now or hereafter amended, agencies, their authorized agents, and hearing examiners hearing the case:

(a) Shall issue a subpoena upon the request of any party and, to the extent required by agency rule, upon a statement showing general relevance and reasonable scope of the evidence sought: PROVIDED, however, That such subpoena may be issued with like effect by the attorney of record of the party to the contested case in whose behalf the witness is required to appear, and the form of such subpoena in each case may be the same as when issued by the agency except that it shall only be subscribed by the signature of such attorney;

(b) May issue a subpoena upon their own motion.

(3) The subpoena powers created by this section shall be state-wide in effect.

(4) Witnesses in an agency hearing or contested case shall be paid the same fees and allowances, in the same manner and under the same conditions, as provided for witnesses in the courts of this state by Chapter 2.40 RCW and by RCW 5.56.010, as now or hereafter amended: Provided, That the agency shall have the power to fix the allowance for meals and lodging in like manner as is provided in RCW 5.56.010, as now or hereafter amended, as to courts. Such fees and allowances, and the cost of producing records required to be produced by agency subpoena, shall be paid by the agency or, in a contested case, by the party requesting the issuance of the subpoena.

(5) If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under examination or investigation at the hearing, the agency or attorney issuing the subpoena may petition the superior court of the county where the hearing is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, and in the case of a rule-making hearing that the requested appearance and testimony are necessary to secure information the expected nature of which would reasonably tend to cause the agency to exercise its rule-making authority, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court.

**34.04.110 CONTESTED CASES--PROCEDURE WHEN, DECIDING OFFICIALS HAVE NOT HEARD OR READ EVIDENCE.** Whenever in a contested case a majority of the officials of the agency who are to render the final decision have not heard or read the evidence, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision, including findings of fact and conclusions of law has been served upon the parties, and an opportunity has been afforded each party adversely affected to file exceptions and present written argument to a majority of the officials who are to render the decision, who shall personally consider the whole record or such portions thereof as may be cited by the parties. Oral arguments may be heard in the discretion of the agency.

**34.04.115 CONSULTATION BY AGENCY OFFICER AS TO ISSUES.** Except upon notice and opportunity for all parties to be present or to the extent required for the disposition of ex parte matters as authorized by law, no hearing examiner or agency or member of an agency presiding in a contested case or preparing a decision, or proposal for decision shall consult with any person or party on any issue of fact or law in the proceeding, except that in analyzing and appraising the record for decision any agency member or hearing examiner may (1) consult with members of the agency making the decision, (2) have the aide and advice of one or more personal assistants, (3) have the assistance of other employees of the agency who have not participated in the proceeding in any manner, who are not engaged for the agency in any investigative functions in the same or any current factually related case and who are not engaged for the agency in any prosecutory functions.

**34.04.130 CONTESTED CASES--JUDICIAL REVIEW.**

(1) Any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to judicial review thereof only under the provisions of *this 1967 amendatory act, and such person may not use any other procedure to obtain judicial review of a final decision, even though another procedure is provided elsewhere by a special statute or a statute of general application. Where the agency's rules provide a procedure for rehearing or reconsideration, and that procedure has been invoked, the agency decision shall not be final until the agency shall have acted thereon.

(2) Proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located. The petition shall be served and filed within thirty days after the service of the final decision of the agency. Copies of the petition shall be served upon the agency and all parties of record. If a timely petition is filed any party of record not filing or joining in the first petition who wants relief from the decision must join in the petition or serve and file a cross-petition within twenty days after service of the first petition or thirty days after service of the final decision of the agency, whichever period of time is longer. The court, in its discretion, may permit other interested persons to intervene.

(3) The filing of the petition shall not stay enforcement of the agency decision. Where other statutes provide for stay or supersedeas of an agency decision, it may be stayed by the agency or the reviewing court only as provided therein; otherwise the agency may do so, or the reviewing court may order a stay upon such terms as it deems proper.

(4) Within thirty days after service of the petition, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(5) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

(6) The court may affirm the decision of the agency or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(a) in violation of constitutional provisions; or

(b) in excess of the statutory authority or jurisdiction of the agency; or

(c) made upon unlawful procedure; or

(d) affected by other error of law; or

(e) clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or

(f) arbitrary or capricious.

## XIII. ANNUAL EVALUATION

### A. GOAL STATEMENT

The state of Washington has established procedures for evaluation, at least annually, of the effectiveness of programs in meeting the educational needs of handicapped children, including evaluation of individualized education programs.

### B. STATE STANDARDS

Two state policies/standards apply to the requirements of annual evaluation. The first, WAC 392-171-511 requires local educational agencies to establish systems for annually monitoring the effectiveness of programs and to also develop alternatives to improve the results. Local districts are then monitored on this requirement as WAC 392-171-731 states.

**WAC 392-171-511 ANNUAL REVIEW OF PLACEMENT AND STUDENT PROGRESS--PROGRAM IMPROVEMENT.**

(1) Annual placement review--The educational placement of each handicapped student shall be evaluated and redetermined annually at a meeting conducted pursuant to WAC 392-171-456.

(2) Program evaluation--each school district shall establish a simple and reliable system of evaluating the program established for each handicapped student. Program evaluations shall be based upon a handicapped student's progress toward the accomplishment of the goals and objectives set forth in the student's individualized education program and/or upon the teacher/manager efforts to facilitate change. Specific methods of evaluating and displaying program results shall be determined in accordance with the district's policies and procedures and the student's individualized education program.

(3) The program evaluation system shall assure that the performance measurement is recorded and reported at both in-process and final-result stages, and the results of the evaluation shall be reported to the parent(s) (or the adult student) consistent with policies and procedures of the school district.

(4) Program evaluations shall serve two purposes:

(a) To compare a student's measured performance with established goals and objectives; and

(b) To attempt to identify causal factors that account for significant differences between actual and predicted performance.

(5) Each school district shall develop, in its own format, alternatives designed to improve methods and results that are based upon the performance evaluation of the student. Evaluation of progress shall be continuing and completed at least annually in order to allow assessment personnel to adjust aims, programs, etc., if the goals and objectives are not met.

**WAC 392-171-731 MONITORING.**

(1) The superintendent of public instruction or his or her designee shall annually monitor selected local school district special education programs. The purposes of monitoring shall be:

(a) To determine the school district's compliance with this chapter and the federal regulations implementing 20 U.S.C. Section 1401 et seq. (P.L. 94-142) and federal and state handicapped laws including validation of information included in school district applications for federal funds;

(b) To provide the school district with technical assistance for improving the quality of its special education program.

(2) The superintendent of public instruction or his or her designee shall develop procedures (including specific timelines) for monitoring school districts. These procedures must include:

(a) Collection of data and reports;

(b) Conduct of on-site visits;

(c) A review of state and federal special education fund utilization; and

(d) Comparison of a sampling of individualized education programs with the programs actually provided.

(3) Following a monitoring visit, a written monitoring report shall be submitted to the school district. The monitoring report shall include, but not be limited to:

(a) Findings of noncompliance, if any; and

(b) Required corrective actions for remediation of any such instance(s) of noncompliance.

(4) The school district shall have thirty calendar days after the date of its receipt of the monitoring report to provide the office of superintendent of public instruction with:

(a) Supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report;

(b) A written action plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remediate the instance(s) of noncompliance;

(c) In the event that the district submits supplemental arguments and/or facts which may serve as a bias for alteration of the monitoring report, the office of superintendent of public instruction shall within thirty calendar days provide the district with a determination as to the alteration of the monitoring report. The school district shall, within thirty calendar days of receipt of the determination, provide the office of superintendent of public instruction a written action plan, if any, pursuant to that determination.

(5) The superintendent of public instruction or his or her designee shall either approve the plan as submitted or request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted, the district shall be provided written notice of:

(a) Approval;

(b) The performance expected of the district; and

(c) The schedule for periodic review or verification of the district's progress toward remediation of the instance(s) of noncompliance.

(6) If the school district fails to submit an approvable corrective action plan pursuant to WAC 392-171-731(4) or fails to comply with a corrective action plan approved pursuant to WAC 392-171-731(5), the superintendent of public instruction or his or her designee shall institute procedures to insure corrective action or prompt response to a monitoring report. Such procedures may include one or more of the following:

(a) Verification visits by OSPI staff to:

(i) Determine whether the school district is taking the required corrective action;

(ii) Expedite the school district's response to a monitoring report;

(iii) Provide any necessary technical assistance to the school district in its efforts to comply.

(b) Withhold, in whole or part, a specified amount of state and/or federal special education funds, pursuant to WAC 392-171-696 and 392-171-746.

(c) Initiate request for OSPI audit pursuant to WAC 392-171-736 through 392-171-756 which may result in the recovery of unlawfully received or expended of state and/or federal special education funds.

## C. OTHER PROCEDURES

1. All local education programs supported by flow-through funds will submit and have on file in the Office of Superintendent of Public Instruction an approved plan for meeting the needs of their handicapped children.

2. All approved local education agencies will submit a performance report giving evidence of the effectiveness of their program in meeting its goals and impact of its services upon the performance of children.

3. All agencies who are in receipt of approved discretionary funded projects will be required to file an annual report 30 days after the close of the funding period giving evidence of the effectiveness of their program meeting its goals and objectives.

4. The state's monitoring system which is a major component of annual evaluation is described in Section XV.

# XIV. ADDITIONAL REQUIREMENTS

## A. RESPONSIBILITY OF SEA FOR ALL EDUCATION PROGRAMS

In accordance with 34 CFR Sec. 300.600, written agreements have been established between Washington's Office of Superintendent of Public Instruction and respective agencies. See Appendix D and Appendix E. Also see RCW 28A.13.010, page 7 of this plan.

## B. SEA MONITORING AND EVALUATION ACTIVITIES

1. Purposes

The state of Washington has developed and implemented a system for monitoring special education programs within local school districts and state operated programs pursuant to 34 CFR 76.772. The purposes of this monitoring system are:

a. To determine the school districts' compliance with federal and state rules and regulations implementing 20 U.S.C. 1401 et seq. (P.L. 94-142) and federal and state handicapped laws including validation of information included in school district applications for federal funds.

b. To provide technical assistance to districts to assist in the improvement of the quality of special education programs.

Both federal (34 CFR 76-772 and GEPA, Sec. 434) and state (WAC 392-171-731) require that the state educational agency (OSPI) undertake monitoring of special education programs operated by public agencies within the state (See Appendix D and Appendix E).

2. Goals

The following goals have been established for the State of Washington monitoring program:

Regulatory Goals

a. Verification that state and federally funded special education programs are in compliance with state and federal rules and regulations;

b. Assurance that handicapped students served by local school programs receive a free appropriate public education in accordance with state and federal rules and regulations;

c. Validation of information included in LEA applications for monitoring funds.

Technical Assistance Goals

a. Provide the LEA information concerning the compliance of its special education programs;

b. Identification of areas in which technical assistance is needed for remediating problems which may reduce the effectiveness of special education programs and to address issues of noncompliance.

System Improvement Goals

a. Evaluation of the effectiveness and efficiency of the state monitoring system as a whole;

b. Improvement of the quality of educational programs for the state's handicapped students.

3. Coordination of Monitoring Activities

The statewide monitoring system is coordinated by one full time Monitoring Supervisor, Special Services Division, OSPI. The responsibilities of the OSPI Monitoring Supervisor include:

a. Developing and refining monitoring procedures and instruments with other OSPI staff.

b. Communicating procedures to appropriate LEA personnel, including monitors, ESD Directors, local special education administrators, and others.

c. Developing appropriate inservice training for monitors in order to consistently implement state monitoring procedures and to provide appropriate technical assistance.

d. Determining monitoring schedules for public agencies providing special education programs.

e. Coordinating premonitoring orientations, on-site visits, and follow-up activities that are conducted according to procedures specified by OSPI.

f. Reviewing and verifying monitoring results and corrective action plans.

g. Analyzing monitoring findings to determine statewide program needs.

h. Communicating technical assistance program needs to the state training coordinator.

i. Developing technical assistance packages and resource materials based on common needs indicated by the overall monitoring findings.

j. Reporting statewide monitoring findings.

k. Conducting on-site monitoring of public agencies as necessary.

l. Serving on OSPI teams for investigating formal complaints against LEAs.

4. Implementation of Monitoring Activities

## PROGRAM REVIEW ACTIVITIES

See Attached.

# Preface

Each year the Superintendent of Public Instruction designates staff representing the Special Education Section to implement a cooperative monitoring process and with the assistance of ESD staff, to conduct on-site compliance monitoring of approximately one-third of the state's school districts that are engaged in the education of handicapped children and youth.

Again this year the monitoring effort will focus on providing appropriate inservice training and technical assistance to school districts with a primary goal of improving the quality of special education programs, as well as determining district compliance with state and federal special education laws and regulations. Special education programs, nonpublic agencies and programs serving deinstitutionalized handicapped students will be provided with technical assistance regarding how they might improve special education programs and services.

The compliance monitoring process has been revised for 1985-86 to incorporate a significant training phase prior to initiating on-site monitoring activities. The focus of this effort is to teach compliance requirements and expectations to district staff before actually monitoring for implementation of these requirements. An optional district self-review period has also been added, whereby districts can identify strengths as well as weaknesses in their special education processes and services. This self-review should point out system changes which are needed in order to meet compliance requirements. Another advantage of the district self-review process is the opportunity afforded ESD and SPI staff to visit district selected special education programs and services, observing those which best represent special education in the district. Throughout the monitoring process ample opportunities are provided for district special education staff to request and receive inservice training and technical assistance related to improving the quality of the services being offered.

This compliance manual is designed for use by district, ESD, and OSPI special education staff. Its purpose is to provide consistent as well as comprehensive information to the user relating to the compliance requirements set forth in WAC 392-171 (October 1984). Please note that the manual is a Working Draft. As these procedures and materials are field tested, some revisions are anticipated. The '85-'86 school year will be a test year for this process and procedures. Concurrently, the Office of Special Education Programs, U.S.O.E., is finalizing a nationwide compliance monitoring system which is being implemented on a triennial schedule. In order to implement any modifications in our statewide monitoring process as a result of federal requirements, we must maintain flexibility and responsiveness to a need for adaptations or change. A Working Draft for this year will provide us with the needed flexibility. The staff of the Special Education Section, Office of the Superintendent of Public Instruction, sincerely appreciates the cooperative efforts and constructive comments from educational agency staff who have participated in the review of the monitoring process materials presented in this manual. Special thanks are in order for those who gave freely of their time and efforts to produce these materials for district staff use.

Judy A. Schrag
Assistant Superintendent

Greg Kirsch
Director, Special Education

## Introduction to Compliance Monitoring

### Goals

During the past six months various special education professional staff and organizations have been working cooperatively with OSPI, Division of Special Services to identify areas within the state special education monitoring system that may require modification. In December 1984 ESD and OSPI special education staff carefully examined our present monitoring system. This review was in preparation for bringing closure to the current three-year monitoring cycle and beginning a new cycle in the 1985-86 school year.

Concurrently, the WASA Special Education Job-Alike organization also began to focus attention on possible areas of needed change within the state monitoring system. A discussion of the monitoring system at the annual state WASA Job-Alike Conference resulted in the formation of a subcommittee which comprehensively reviewed the present monitoring process and made recommendations for potential changes.

The Council of Administrators of Special Education has also actively participated in meetings at the state and local levels to determine and present their recommendations for potential improvement of the monitoring process.

Across all of these individuals and groups the following three areas were consistently identified for incorporation into the 1985-86 monitoring process:

1. Applying the monitoring process consistently statewide.

2. Achieving statewide compliance with the requirements of WAC 392-171, P.L. 94-142, and assurances stated in the local district application for EHA VI-B flow-through funds.

3. Providing a balance between regulatory compliance and technical assistance necessary to improve program quality/effectiveness.

For the ensuing school year "85-86 the monitoring process will be applied to public schools serving handicapped students, nonpublic agencies serving handicapped students, and educational programs serving deinstitutionalized children and youth. The basic goals for the monitoring process will be to apply compliance standards consistently, to verify compliance with state and federal special education requirements and to provide LEAs with adequate technical assistance leading to improvement in special education program quality and effectiveness.

(6) If the school district fails to submit an approvable corrective action plan pursuant to WAC 392-171-731(4) or fails to comply with a corrective action plan approved pursuant to WAC 392-171-731(5), the superintendent of public instruction or his or her designee shall institute procedures to insure corrective action or prompt response to a monitoring report. Such procedures may include one or more of the following:

(a) Verification visits by OSPI staff to:

(i) Determine whether the school district is taking the required corrective action;

(ii) Expedite the school district's response to a monitoring report;

(iii) Provide any necessary technical assistance to the school district in its efforts to comply.

(b) Withhold, in whole or part, a specified amount of state and/or federal special education funds, pursuant to WAC 392-171-696 and 392-171-746.

(c) Initiate request for OSPI audit pursuant to WAC 392-171-736 through 392-171-756 which may result in the recovery of unlawfully received or expended of state and/or federal special education funds.

# 1985-86 SPED COMPLIANCE MONITORING SCHEDULE

**101**

**ESD 101 Coop**
- Benge
- Coulee City
- Curlew
- Evergreen
- Grand Coulee Dam
- Great Northern
- [illegible]
- Keller
- Liberty
- Loon Lake
- Northport
- Onion Creek
- Orchard Prairie
- Orient
- Rosalia
- Sprague
- Steptoe
- Summit Valley
- Valley School
- Wilson Creek

**Central Valley Coop**
- C. Valley
- Freeman
- West Valley

**Medical Lake School District**
- Interlake
- Lakeland

**105**

- Bickleton
- Highland
- Naches
- Sunnyside
- Wahluke
- Zillah

**Ellensburg Coop**
- Kittitas
- Thorp

**112**

- Camas
- Kelso
- Klickitat
- Woodland

**ESD 112 Coop**
- Carrolls
- Glenwood
- Green Mountain
- Hockinson
- Kalama
- Lyle
- Naselle-Grays River
- Ridgefield
- Skamania
- Stevenson/Carson
- Trout Lake
- Wahkiakum
- White Salmon

**113**

**Grays Harbor Coop**
- Aberdeen
- Cosmopolis
- Hoquiam
- Montesano
- North Beach
- Ocosta
- Quinault
- Taholah
- Wishkah

**Shelton Coop**
- Grapeview
- Hood Canal
- Mary M. Knight
- Pioneer
- Southside

**114**

- Bremerton
- Cape Flattery
- C. Kitsap
- Crescent
- Pt. Townsend
- Quillayute

**121**

- Bainbridge Is.
- Bellevue
- Clover Park
- Highline
- L. Snoqualamie
- Mercer Is. *
- Shoreline
- Snoqualamie Valley
- Steilacoom
- Vashon Is

**123**

- Asotin
- Finley
- Kahlotus
- Pasco
- Pomeroy
- Touchet
- Walla Walla *

**171**

- Moses Lk
- Oroville
- Pateros
- Wenatchee

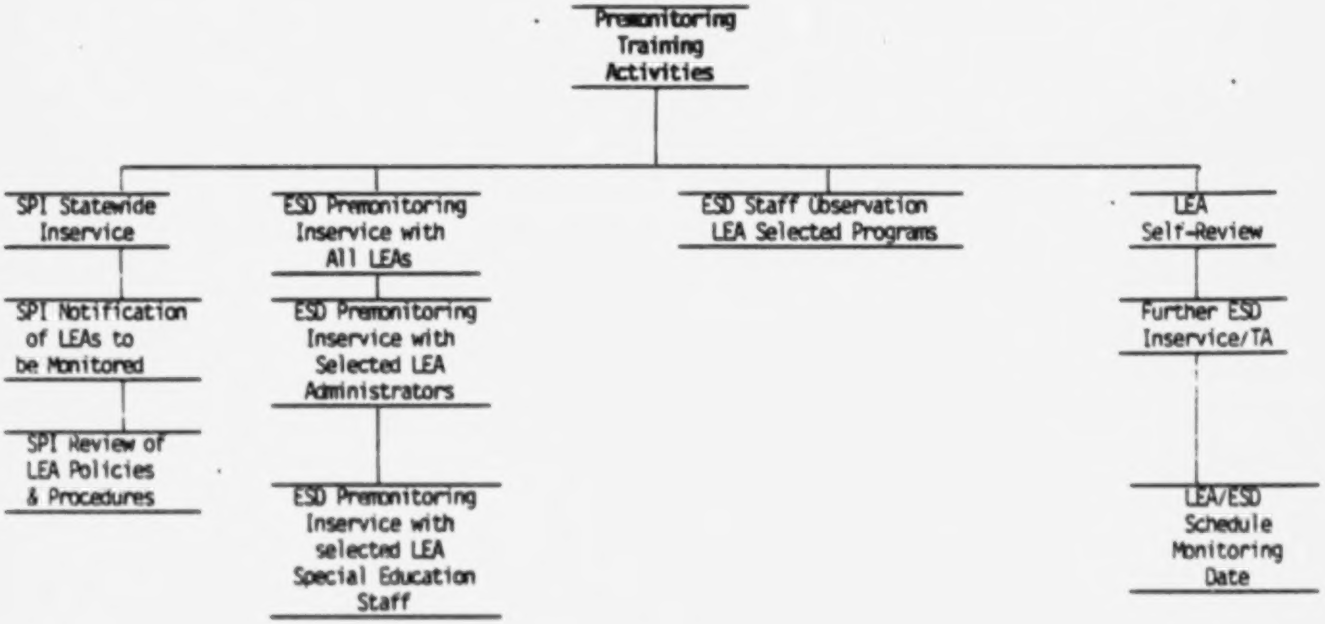
**189**

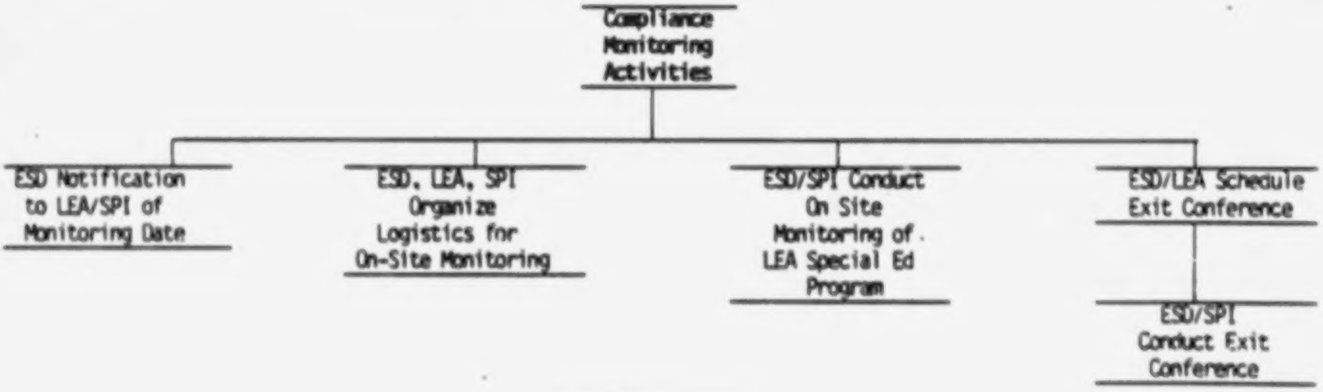
- Coupevile
- Everett
- Lynden
- Sedro-Woolley
- S. Whidbey

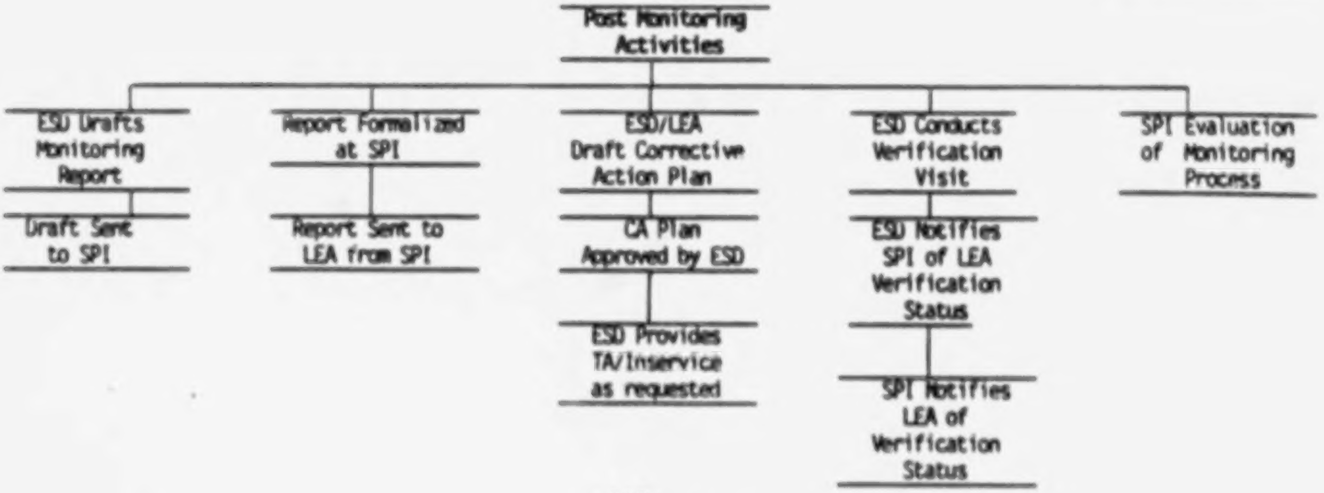
**ESD 189 Coop**
- Concrete
- LaConner *
- Lopez Is.
- San Juan
- Sultan

## Sequence of Activities

# PROCESS FOR LEA
# INSERVICE TRAINING/TECHNICAL ASSISTANCE/COMPLIANCE MONITORING
# 1985-86


Premonitoring Training Activities
SPI Statewide Inservice
SPI Notification of LEAs to be Monitored
SPI Review of LEA Policies & Procedures
ESD Premonitoring Inservice with All LEAs
ESD Premonitoring Inservice with Selected LEA Administrators
ESD Premonitoring Inservice with selected LEA Special Education Staff
ESD Staff Observation LEA Selected Programs
LEA Self-Review
Further ESD Inservice/TA
LEA/ESD Schedule Monitoring Date


Compliance Monitoring Activities
ESD Notification to LEA/SPI of Monitoring Date
ESD, LEA, SPI Organize Logistics for On-Site Monitoring
ESD/SPI Conduct On Site Monitoring of LEA Special Ed Program
ESD/LEA Schedule Exit Conference
ESD/SPI Conduct Exit Conference


Post Monitoring Activities
ESD Drafts Monitoring Report
Draft Sent to SPI
Report Formalized at SPI
Report Sent to LEA from SPI
ESD/LEA Draft Corrective Action Plan
CA Plan Approved by ESD
ESD Provides TA/Inservice as requested
ESD Conducts Verification Visit
ESD Notifies SPI of LEA Verification Status
SPI Notifies LEA of Verification Status
SPI Evaluation of Monitoring Process

# INTERFACE BETWEEN THE COMPLIANCE MONITORING PROCESS AND OSPI GOALS FOR '85-'86

## I. PREMONITORING TRAINING ACTIVITIES

SPI will continue to implement the monitoring process on a triennial schedule with the roster for next year ('85-'86) representing those LEAs last monitored three years past ('82-'83). LEAs may be added or deleted to bring a balance to the schedule over the three year cycle. This would be consistent with past selection of LEAs to be monitored.

Each of the LEAs appearing on the '85-'86 schedule would be notified by SPI of their selection as in the past, with contact by the ESD for more specific details to follow shortly thereafter. Inservice training on the monitoring process will be offered to all LEAs through a statewide update conference, training by ESD staff in each ESD, and training by ESD staff specific to each LEA represented on the '85-'86 monitoring schedule. The focus of the training effort will be to provide consistent information statewide, to provide information to LEA staff related to compliance expectations, standards and indicators as specified in WAC 392-171 and through the assurances stated in the VI-B application for federal funds.

SPI and ESD staff will receive training on implementation of the monitoring process, compliance standards/indicators and reporting procedures. ESD staff will then provide generalized training to all LEAs in their respective ESDs with specific training for LEAs to be monitored. The monitoring process, compliance standards/indicators and expectations will be detailed in a teaching mode. Emphasis will be placed on the processes of self-review and program observation. LEAs will be encouraged to implement compliance practices and to conduct a self-review of their compliance status using the materials (compliance standards/indicators) provided by the ESD trainers. A program observation will be conducted by ESD staff to allow the LEA an opportunity to select and present those programs and services which best represent special education in the district. The program observation component complemented by inservice training and technical assistance provided throughout the monitoring process is intended facilitate a balance between regulatory compliance and technical assistance to LEAs, with a goal of improving program quality and effectiveness.

## I. PREMONITORING TRAINING ACTIVITIES (Continued)

ESD staff will provide additional training and technical assistance as requested during the premonitoring training period. A monitoring date will be scheduled at the completion of the training/self-review period. The goal of the premonitoring training is to achieve statewide compliance with the requirements of state and federal regulations.

## II. MONITORING ACTIVITIES

Upon completion of the premonitoring training activities, LEAs will be scheduled for a compliance monitoring visit. As in the past, the focus of the monitoring will include:

- a review of district special education policies and procedures
- a review of student files for documentation of categorical and P223H eligibility and compliance with due process requirements
- classroom visits to verify LEA implementation of appropriate SPED services
- parent contacts to verify parent participation in the special education process

## III. POSTMONITORING ACTIVITIES AND TRAINING

The results of the compliance monitoring activities/data collection process will be summarized in a consistent format, edited, and reported to the LEA within a specific timeline (30 days). Any required corrective actions will be described in the monitoring report.

ESD staff will work closely with LEA staff to assure development of an approvable corrective action plan which addresses the compliance issues stated in the monitoring report. A section will be added to the monitoring report summarizing the results of the program observations. ESD staff will work closely with LEA staff throughout the corrective action period providing T.A. and inservice as requested.

Verification of corrective actions along with the LEA's compliance status will be reported to SPI at the end of a specified timeline (60 days). Formal notification of the LEA's compliance status will follow from SPI.

Post monitoring activities will focus on developing consistency in the monitoring report/corrective action plan format, timelines, and addressing compliance issues. Ongoing inservice training and T.A. throughout the corrective action period will assist LEAs in their efforts to achieve compliance with the requirements of state and federal regulations. The addition of the program observation component to the monitoring process and the implementation of traing and self-review prior to the compliance monitoring visit should facilitate a balance between regulatory compliance monitoring and T.A./inservice to LEAs serving handicapped students.

# COMPLIANCE MONITORING PROCESS
# RESPONSIBILITY AND TIMELINES
# 1985 - 1986

## I. PREMONITORING TRAINING ACTIVITIES

| | Responsibility |
|---|---|
| * Notify LEAs selected for monitoring for the 1985-86 school year (Oct.'85.) | SPI |
| * Schedule a premonitoring visit with each LEA selected for monitoring for 1985-86 (Oct.'85) | ESD |
| * Conduct a premonitoring visit with LEA administrative management staff to review process, forms, inservice plan (teach-test), expectations, timelines, provide T.A. as requested (Oct.'85) | ESD |
| * Schedule monitoring inservice with selected LEA special education staff to teach monitoring process, compliance indicators expectations, and to provide T.A. as requested (Oct. - Nov.'85) | ESD |
| * Allow a maximum of 60 calendar days for LEA self-review period. LEAs to implement compliance activities with assistance in the form of T.A. or inservice from ESD staff as requested (Oct. - Nov.'85) | LEA-ESD |
| * SPI staff review of LEA Policies and Procedures (Oct.-Nov. '85) | SPI |
| * SPI notifies ESD/LEA of Policy and Procedure review (Nov. '85) | SPI |
| * Conduct program observations of district selected special education programs and services. (Oct.-Dec.'85) | ESD |
| * Conduct a cooperative review of the LEA self-monitoring results. (Nov. - Dec. '85) | LEA-ESD |
| * Provide ongoing continuing T.A. and inservice where needed. (Oct.-Dec.'85.) | ESD |
| * Cooperatively schedule a monitoring date between ESD and LEA administrative staff (by Dec. 85) (monitoring to begin in Jan./Mar. '86) | ESD-LEA |

## II. MONITORING ACTIVITIES

| | |
|---|---|
| * Notify LEA superintendent and SPI of monitoring date and proposed activities (by Dec. 15,'85) | ESD |
| * Determine monitoring team staffing needs, select student file sample for review, determine program visits for compliance review, review P223H data, determine NPA/P.L. 89-313 needs, other organizational details to facilitate monitoring process (Jan. '86) | ESD-SPI |
| * Schedule appropriate personnel support for on-site monitoring activities (SPI, ESD, LEA, other) (Dec. '85) | ESD-SPI |
| * Conduct onsite compliance monitoring visit (include SPI staff as needed): (Jan. - Mar. '86)<br>a. student file review<br>b. classroom visits<br>c. parent contacts<br>d. P.L. 89-313/NPA review as appropriate | ESD-SPI |
| * Schedule exit conference with LEA administrative staff (Jan.-Mar.'86) | ESD-SPI |
| * Conduct exit conference, relating the monitoring activities and general findings to LEA administrative staff (Jan.-Mar.'86) | ESD-SPI |

## III. POST MONITORING ACTIVITIES AND TRAINING

| | |
|---|---|
| * Draft a monitoring report detailing the findings of the monitoring team. Including a summary of the results of the program observation. Forward to SPI for edit and mail out to LEA. (Jan.-Apr.'86) | ESD-SPI |
| * Send monitoring report to LEA administration with corrective actions noted if applicable (Jan.-Apr.'86) | SPI |
| * Draft a corrective action plan addressing the compliance issues cited in the monitoring report (Feb.-Apr.'86) | LEA/ESD |
| * Submit corrective action plan to ESD for approval. Corrective action plan approved/technical assistance provided for approval (Jan.-Apr.'86) | LEA |
| * Provide additional T.A. or inservice to LEA staff as requested (Jan.-May.'86) | ESD |
| * Send corrective action status report to SPI (Feb.-May.'86) | ESD |
| * Conduct verification of LEA corrective actions (Apr.-Jun'86) | ESD |
| * Notify SPI of LEA verification (Apr.-Jun'86) | ESD |
| * Notify LEA of verification status (Apr.-Jun'86) | SPI |
| * Evaluation of the monitoring process (Apr-Jun'86) | SPI/ESD/LEA |

## TECHNICAL ASSISTANCE/COMPLIANCE MONITORING
## TRAINING PLAN 1985-86

| | | |
|---|---|---|
| SEPT 4, 5, 6, 1985 | SPI/ESD STAFF | Staff will receive training on the details of the '85-86 monitoring process. |
| SEPT/OCT 1985 | LEA REPRESENTATIVES<br>ESD STAFF | ESD staff will present a monitoring process inservice to all LEA's in ESD's. |
| OCT 1985 | LEA SPED STAFF<br>ESD STAFF | ESD staff will train selected LEA SPED staff on monitoring process and compliance indicators. |
| NOV/DEC 1985 | LEA SPED STAFF | LEA self-review period. ESD staff will provide T.A. and inservice as requested during LEA self-review process. |
| SEPT/JUN 1985-86 | SPI/ESD STAFF | SPI and ESD staff will participate in monthly cooperative training in response to needs generated by premonitoring LEA training activities and monitoring activities. |
| APRIL 1986 | LEA SPED DIRECTORS | A statewide SPED update conference will be presented for LEA SPED Directors - an update on the monitoring process will be included as part of this training agenda. |

## SPECIAL EDUCATION POLICIES AND PROCEDURES

As a requirement of WAC 392-171-691(2) and P.L. 94-142, 34 CFR 300.220-240, written policies and/or procedures supporting the education of handicapped children must be developed and maintained by each school district receiving state and/or federal funds.

The Superintendent of Public Instruction is now required by the federal government, as a result of a federal audit of SPI, to maintain on file at OSPI copies of each school district's special education policies and/or procedures for documentation of LEA compliance with P.L. 94-142.

As part of the LEA application process, a school district is required to provide SPI one (1) copy of the district's special education policies, procedures and/or assurances. This is a one time request for a full set of special education policies and/or procedures. Areas of policies and procedures to be submitted are contained in 34 CFR 300.220-240. In subsequent years, the school district need only submit revisions, updates, and/or amendments to the board-adopted policies and changed procedures which have been made during the school year prior to submission of this LEA application.

The following policies, procedures and/or assurances are required to be submitted as part of this application per the provisions of P.L. 94-142, EDGAR and state WAC.

| Policy Required | | Procedure Required | | Assurances Only (As part of this Application) | |
|---|---|---|---|---|---|
| Area | Federal/State Regulation Citation | Area | Federal/State Regulation Citation | Area | Federal/State Regulation Citation |
| 1. Free Appropriate Public Education | 34CFR300.240 | 1. Child Identification | 34CFR300.220 and 225 | 1. Full Educational Opportunity Goal | 34CFR300.222 |
| 2. Confidentiality of Personally Identifiable Information (Policy and Procedure) | 34CFR300.221 | 2. Personnel Development | 34CFR300.224: WAC 392-171-691(4)(c) | 2. Public Control | 34CFR76.301 |
| | | 3. Participation in Regular Education Programs | 34CFR300.227: WAC 392-171-691 | 3. Excess Cost and nonsupplanting | 34CFR300.229 and 230 |
| | | 4. Individualized Education | 34CFR300.235: WAC 392-171-691(4)(g) | 4. Comparable Services | 34CFR300.231 |
| | | | | 5. Information Reports | 34CFR76.301 |

| Policy Required | | Procedure Required | | Assurances Only (As part of this Application) | |
|---|---|---|---|---|---|
| Area | Federal/State Regulation Citation | Area | Federal/State Regulation Citation | Area | Federal/State Regulation Citation |
| | | | | 6. Records | 34CFR300a.233<br>34CFR76.301 |
| | | | | 7. Public Participation | 34CFR76.301 |
| | | | | 8. Procedural Safeguards | 34CFR300.237 |
| | | | | 9. Participation of Private School Students | 34CFR76.655 and 656 |

**DEFINITIONS:**

Policy: A written statement made by the school district Board of Education which states the school district's commitment to accomplish a specified goal. In special education policies the school district would specify goals to be accomplished in accordance with the requirements of 34CFR300.220-240 and WAC 392-171-691(5).

Procedures: A written plan of action made by a school district which operationalizes school district policy or regulates the activities and actions of school district personnel. Special education procedures would describe in detail how services to handicapped children would be provided.

Assurance: A statement by the school district which affirms the responsibilities of the school district in guaranteeing that applicable state and Federal regulations will be observed and complied with in the provision of services to handicapped students.

### C. POLICIES AND PROCEDURES FOR USE OF PART B FUNDS

Refer to Local Education Agency application for P.L. 94-142 Funds (see Appendix F). Additionally refer to Description of Use of Part B Funds, Page 126.

### D. ADDITIONAL INFORMATION IF SEA PROVIDES DIRECT SERVICES

The OSPI does not provide direct services to handicapped children in the state; this section is not applicable.

### E. IMPLEMENTATION PROCEDURES—SEA

Refer to the Section on Procedural Safeguards, P. 58 of this plan.

## XV. CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

* Incorporated in Section VI. PROCEDURAL SAFEGUARDS, PAGE 58.

# PART II - SUBSTANTIVE REQUIREMENTS

## B. REPORT OF HOW PART B FUNDS WILL BE USED.

### I. State Allocations

A. Positions paid in whole or part with Part B funds and descriptions 1985-86 - $17,433,489 Total Grant Award

1. Administration (5%), $814,044

a. Special Services Division Personnel
Director (.46)
Instructional Program Specialist II (4.7)
Secretary II (.60)
Secretaries I - Shorthand (2.9)
Student Work Experience
Other Supportive Personnel (1.05)

b. Other Personnel

c. Responsibilities and Duties

The Director provides direction and leadership in all state and federal special and institutional educational activities, as well as coordinating the activities of the Special Services staff, ESD directors and project personnel. The Instructional Program Specialists II are responsible for program approval of all handicapped programs in their particular regions. This will include P.L. 89-313 deinstitutionalized funds, P.L. 94-142 funds, and state funds. The Program Specialist will coordinate, evaluate, and participate in the monitoring effort. They will further be responsible for general supervision, technical assistance and the determination of what corrective action will be taken in cases of noncompliance.

The Secretarial personnel will support all supervisors' monitors' and directors' activities; in addition, the Secretary II will be responsible for the coordination of clerical staff assignments.

Financial Services

One Administrative Program Specialist-I is assigned by OSPI to assist the Division in the areas of finance and accounting.

## 1986-87 (Projected)

1. Administration (5%)

   a. Special Services Division Personnel
   Director (.46)
   Instructional Program Specialist II (4.7)
   Secretary I-Shorthand (2.9)
   Student Work Experience
   Other Supportive Personnel (1.05)

   b. Other Personnel

   c. Responsibilities and Duties

   The Director provides direction and leadership in all state and federal special and institutional educational activities, as well as coordinating the activities of the Special Services staff, ESD directors and project personnel. The Instructional Program Specialists II are responsible for program approval of all handicapped programs in their particular regions. This will include P.L. 89-313 deinstitutionalized funds, P.L. 94-142 funds, and state funds. The Program Specialist will coordinate, evaluate, and participate in the monitoring effort. They will further be responsible for general supervision, technical assistance and the determination of what corrective action will be taken in cases of non-compliance.

   The Secretarial personnel will support all supervisors' monitors' and directors' activities; in addition, the Secretary II will be responsible for the coordination of clerical staff assignments.

   Financial Services (1.05 FTE)

   One Administrative Program Specialist-I (.30 FTE) is assigned by OSPI to assist the Division in the areas of finance and accounting.

   One Fiscal Plan Analyst (.75 FTE) is assigned to assist OSPI in the approval and grant award process.

1987-88 (Projected)

No changes are anticipated at this time in staffing. Funding levels to vary with allocation amounts received per projected year.

1988-89 (Projected)

No changes are anticipated at this time in staffing. Funding levels to vary with allocation amounts received per projected year.

## B. Administrative Activities Performed with Part B Funds

Administrative activities to be performed by OSPI, Division of Special Services for FYs 86-89 are in conformance with the provisions of P.L. 94-142, 34 CFR 300.600 and RCW 28A.13.005-13.080.

The Instructional Program Director, nine Instructional Program Specialists and six agency support personnel, per identified FTE assignments, provide supervision and coordination to special education programs for all handicapped children in the school districts of the state.

### Instructional Program Director Activites/Duties (1)
(.66 FTE)

The Director of the Division of Special Services will:

Provide direction and leadership in state and federal special education programs and services according to goals established by Special Services Division and policies of OSPI; direct the activites of ESD special education directors and personnel in state and federally funded special projects; be responsible for the approval of local school district special education programs and related services for state and federal funding; help identify the data and program needs of special education in coordination with the Monitoring/Evaluation, and Pupil Personnel Services section; assist in the preparation of annual and biennial office and statewide special education budget; be responsible for preparation and submittal of state and federal special education reports; Coordinate the Special Education Section functions with other federal and local agencies; as well as administrative, professional, and advocacy organizations and groups in behalf of services for handicapped children; develop and interpret policies, procedures, guidelines and rules and regulations for special education according to state and federal laws/policies and goals established by the Special

Services Division; provided leadership and assistance to the State Special Education Advisory Council; support and work closely with colleges and university training programs to facilitate appropriate and needed pre- and in-service training of special and regular education personnel working with handicapped children; disseminate appropriate information concerning existing and needed special education programs.

### Instructional Program Specialists (9) (4.7 FTE)

The Instructional Program Specialists, individually and jointly will:

Consult with educational service districts, local school districts, and other concerned parties regarding various educational and instructional programs; be responsible for providing leadership and expertise as well as professional and technical consultation regarding the organization, conduct and evaluation of educational programs for handicapped children in the state; provide technical assistance to educational service districts and local school district administrators on instructional programs, program improvement and implementation of state and federal rules and regulations; review program requests and funding disbursement for special education programs; provide assistance to and schedule regular meetings with principals in developing, expanding and maintaining institutional programs for handicapped children; review, evaluate and supervise budgetory transactions regarding the expenditure of 89-313 and 89-750 funds; provide liaison between special education section of OSPI and DSHS in matters pertaining to institution education programs; coordinate with information unit to provide state and federal data needs concerning P.L. 89-313 and P.L. 89-750; expand inservice opportunities with institution education programs and evaluate training efforts between institutions and local educational agencies; coordinate arts for the handicapped; coordinate distribution of P.L. 94-142 competitive discretionary funds, requests for proposals; development of state and federal regulations, issues clarification, early childhood programs coordination; coordinate statewide special education monitoring procedures; develop Title IV-B P.L. 94-142 State Plan; coordinate inservice training responsibilities for monitoring procedures; coordinate, develop and implement due process hearings and citizen complaint procedures; provide leadership in the development and implementation of state and federal rules and regulations; provide policy clarification and development system; coordinate the development and implementation of the division data management system; supervise the development and implementation of division grants management system; coordinate division special studies; provide technical assistance information on computerized data management systems.

Support Personnel (6) (2.9 FTE)

Support Personnel will:

Review, analyze, and evaluate fiscal plans and proposals submitted to the Division of Special Services and Professional Programs in accordance with provisions of the public laws pertaining to the educational programs adminstered by the Division; analyze and evaluate the fiscal phases of plans and proposals submitted to office developed by educational agencies to confirm compliance with prescribed state and federal standards, and to assure workability of proposed fiscal systems; prepare written reports showing conclusions and recommendations pertaining to fiscal and adminstrative compliance, feasibilitiy, operations, and control of proposed and operational plans; contact agency officials and other parties to obtain additional information, ascertain accuracy and completeness of reports and records, and to assure compliance with required fiscal and administrative standards; wirte instructions, procedures, and memoranda necessary for required control and handling of operation plans; assist in the development and implementation of data management systems and forms required by the Division of Special Services and Professional Programs to fulfill fiscal and administrative responsibilities; maintain records on participation by educational agencies concerned and disbursements authorized by the state agency; review and audit reports, and propose appropriate changes and adjustments as necessary.

Review, analyze, and evaluate fiscal plans and proposals submitted to the Division of Special Services and Professional Programs in accordance with provisions of the public laws pertaining to the educational programs administered by the Division; analyze and evaluate the fiscal phases of plans and proposals submitted to office developed by educational agencies to confirm compliance with prescribed state and federal standards, and to assure workability of proposed fiscal systems; prepare written reports showing conclusions and recommendations pertaining to fiscal and administrative compliance, feasibility, operations, and control of proposed and operational plans;

contact agency officials and other parties to obtain additional information, ascertain accuracy and completeness of reports and records, and to assure compliance with required fiscal and administrative standards; write instructions, procedures, and memoranda necessary for required control and handling of operational plans; assist in the development and implementation of data management systems and forms required by the Division of Special Services and Professional Programs to fulfill fiscal and administrative responsibilities; maintain records on participation by educational agencies concerned disbursements authorized by the state agency; review and audit reports, and propose appropriate changes and adjustments as necessary; provides administrative and office management assistance to supervisors for the coordination of the P.L. 89-313 Institutional Education Program; provide administrative and office management assistance to supervisors for the coordination of the Title VI-B Discretionary proposals; provides adminstrative and office management assistance to Supervisors for the coordination of Program Review/Monioring and Complaints/Hearings; provides administrative and office management assistance to Supervisors for the coordination of Data Management; handles contractual services between school districts and nonpublic school agencies, which includes submission to State Board agenda, correspondence to the agencies and school district and set up files; set up meeting locations and follows through by preparing the information to be distributed at the meetings; reads and routes incoming mail for assigned supervisors.

C. Description of Direct and Support Services Provided with Part B Funds

OSPI, Division of Special Services provides support services to educational service districts, local education agencies, related agencies, state universities and colleges on an ongoing basis. The Division's staff provides technical assistance, consultation, and information routinely to the field via telecommunications, person to person contact and written communications part of the office overall operational procedures. Specific funds are made available to educational service districts and local districts through the award of Title VI-B discretionary grants. Please refer to pages 132 through 141 for a listing of discretionary projects awarded for fiscal year 85-86 which are exemplary of the use of these funds and indictive of 87-89 types of programs to be supported by the SEA.

1. Discretionary Funds (See Attached Tables)

Competitive = Comp.
Regional 'A' = 'A'
Regional 'B' = 'B'
Adoption = Adop.
Inservice Coordinator = IC
State Needs = SN

| District/ Contact Person | Project Title | Project Dates | Approved Amount | Grant Number | Grant Type |
|---|---|---|---|---|---|
| North Kitsap<br>Ronald Smith | Project Support Replication | 9/30/85-8/31/86 | $20000 | 32030 | Comp. |
| Lake Washington<br>Ralph Bohannon | Instructional Specialist | 7/15/85-6/30/86 | 34087 | 32010 | Comp. |
| Clarkston<br>Jan Goodheart | Positive Re-Entry | 7/1/85-6/30/86 | 8300 | 32015 | Comp. |
| ESD 112<br>Dennis Mathews | Staff Development | 7/1/85-6/30/86 | 54895 | 33930 | Comp. |
| Issaquah<br>Abby Adams | The C H C Model | 7/1/85-8/31/86 | 36500 | 32004 | Comp. |
| North Thurston<br>Lynda Esmay | Tri-Level System | 7/1/85-6/30/86 | 53019 | 32071 | Comp. |
| Edmonds<br>Ann Brown | Interagency Collaboration | 8/1/85-7/31/86 | 48560 | 32014 | Comp. |
| ESD 189<br>Gary Snow | Preschool Facilitation | 8/1/85-7/31/86 | 23924 | 33961 | Comp. |
| Seattle<br>Lee Bassett | Career/Vocational Dev. | 9/1/85-6/30/86 | 24996 | 33925 | Comp. |
| Issaquah<br>Peggy Paulson | Project C V S | 7/1/85-8/31/86 | 34124 | 32002 | Comp. |
| ESD 101<br>Rick Cole | Vocational Evaluation | 8/1/85-6/30/86 | $38971 | 32012 | Comp. |

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|---|---|---|---|---|---|
| U.W.<br>Rebecca Fewell | Videotape Training | 7/1/85-6/30/86 | 30671 | 32022 | Comp. |
| Highline<br>Shirley Mikel | Computerization of Curric. | 6/1/85-6/30/86 | 20725 | 33996 | Comp. |
| Edmonds<br>Jeanine Thunder | Higher Order Thinking Sk. | 8/1/85-7/31/86 | 53560 | 32013 | Comp. |
| ESD 105<br>Faye Fuchs | Support Staff for BD | 7/1/85-6/30/86 | 24999 | 33929 | Comp. |
| U.W.<br>Gene Edgar | Juvenile Corrections Sp. Ed. Transitions | 7/15/85-7/14/86 | 36026 | 33988 | Comp. |
| ESD 105<br>Faye Fuchs | BD Specialist | 12/1/85-8/31/86 | 26288 | 32180 | Comp. |
| West Valley<br>Chuck Main | Vocational Transitions | 11/1/85-8/30/86 | 25000 | 32073 | Comp. |
| U.W.<br>Norris Haring | Training & Assistance for Moderate & Severe | 9/1/85-8/31/86 | 65000 | 33922 | SN |
| ESD 121<br>Don Whitney | Search and Serve | 9/1/85-8/31/86 | 50272 | 33928 | SN |
| U.W.<br>James Affleck | FOCUS Newsletter | 7/1/85-6/30/86 | 11415 | 33921 | SN |
| Clover Park<br>Wayne Spence | Statewide Arts for the Handicapped | 10/11/85-7/30/86 | 15000 | 32040 | SN |
| ESD 121<br>Mick Moore | Deaf-Blind | 7/1/85-6/30/86 | 23985 | 33927 | SN |
| ESD 121<br>Barbara Kaner | Developmental Learning for VI Infants | 9/1/85-8/31/86 | 75818 | 33926 | SN |
| U.W.<br>Marie Thompson | Early Childhood Home Instruction | 9/1/85-8/31/86 | 52000 | 33920 | SN |

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|---|---|---|---|---|---|
| Concrete<br>Bob Sjoboen | Voc. Ed. Project | 12/19/85-8/31/86 | 3194 | 32133 | 'B' |
| Marysville<br>Frank Carlson | SBD Intervention | 1/6/86-8/31/86 | 5576 | 32157 | 'B' |
| Mount Baker<br>Pat Richardson | Word Processing | 1/6/86-8/31/86 | 2174 | 32158 | 'B' |
| Ferndale<br>Tyronne Knutson | Readiness Level | 2/5/86-8/31/86 | 2200 | 32186 | 'B' |
| Blaine<br>Pebble Griffin | Project Key Board | 2/5/86-8/31/86 | 1933 | 32185 | 'B' |
| Lakewood<br>Gary Timmerman | Secondary Transition | 2/11/86-8/31/86 | 5670 | 32194 | 'B' |
| Nine Mile Falls<br>Robert LaLonde | Teacher Aide for M/H Student | 9/4/85-8/31/86 | 11641 | 32008 | 'A' |
| Tekoa<br>Patty Leonard | Tutorial Assistance/Blind Child | 9/1/85-8/31/86 | 4780 | 32006 | 'A' |
| Central Valley<br>Barbara Runberg | Special Education Aide | 10/11/85-8/31/86 | 4354 | 32049 | 'A' |
| Central Valley<br>Barbara Runberg | Special Education Interpreter | 10/11/85-8/31/86 | 11680 | 32050 | 'A' |
| Central Valley<br>Barbara Runberg | Aide/Intermittent Catheterization | 10/11/85-8/31/86 | 1451 | 32046 | 'A' |
| Liberty<br>Armin Vogt | Neurological Evaluation | 11/4/85-8/31/86 | 400 | 32077 | 'A' |
| Washtucna<br>David Randall | Aides for Multiply H/C | 11/4/85-8/31/86 | 13938 | 32078 | 'A' |
| Chewelah<br>Peggy Davidsmeyer | Aide for MD | 11/4/85-8/31/86 | 10111 | 32079 | 'A' |

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|---|---|---|---|---|---|
| Ferndale<br>Tyronne Knutson | Technology Assisting HC Students | 10/11/85-8/30/86 | 5768 | 32080 | "B" |
| Granite Falls<br>Gale Hogan | Project "Fast Foods" | 10/11/85-8/31/86 | 6000 | 32054 | "B" |
| ESD 189<br>Gale Forrest | Linking Programs for Special Needs | 10/28/85-8/31/86 | 1327 | 32088 | "B" |
| Edmonds<br>Jeanine Thunder | SBD Intervention/Secondary Service | 10/11/85-8/31/86 | 5750 | 32056 | "B" |
| Lopez Island<br>Marcia Bartholow | Peer Tutoring Workshop/Follow-up | 10/14/85-8/31/86 | 5050 | 32063 | "B" |
| ESD 189<br>Gale Forrest | Pre-Referral Interventions | 11/15/85-8/31/86 | 2369 | 32091 | "B" |
| ESD 189<br>Gale Forrest | Study Skills and School Behaviors | 1/7/86-8/31/86 | 2131 | 32099 | "B" |
| Sultan<br>Joanne Pedersen | Aide for HC | 12/11/85-8/31/86 | 1000 | 32114 | "B" |
| Sultan<br>Joanne Pedersen | SBD Training | 12/11/85-8/31/86 | 600 | 32119 | "B" |
| Orcas Island<br>Larry Lindberg | Computer Application | 12/11/85-8/31/86 | 1920 | 32120 | "B" |
| Oak Harbor<br>Gene Langlois | Physically HC/Non-Verbal | 12/13/85-8/31/86 | 8196 | 32131 | "B" |
| Sedro Woolley<br>David Terratta | Computer Based Education/Skills | 12/13/85-8/31/86 | 3300 | 32137 | "B" |
| Lynden<br>Gary Wall | Computer Voc. Assessment | 12/24/85-8/31/86 | 1802 | 32135 | "B" |
| Lopez Island<br>Marcia Bartholow | Teaming and Intervention | 12/24/85-8/31/86 | 2630 | 32138 | "B" |

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|---|---|---|---|---|---|
| Pasco<br>John Mattson | WRSP - LD (Nonhandicapped) Study | 12/11/85-8/31/86 | 650 | 32122 | "B" |
| Kennewick<br>Lonnie Smith | SLD Study | 1/6/86-8/31/86 | 650 | 32155 | "B" |
| Richland<br>Don Ray | Aide-Self Abusing | 1/14/86-8/31/86 | 3680 | 32165 | "B" |
| ESD 123<br>Mel Mangum | State Inservice | 3/1/86-8/31/86 | 3858 | 32166 | "B" |
| ESD 123<br>Mel Mangum | Dayton Quadraplegic Aide | 2/1/86-8/31/86 | 1500 | 32171 | "B" |
| Walla Walla<br>Del Zander | Macintosh Computer for Quadrap. | 1/31/86-8/31/86 | 3223 | 32173 | "B" |
| Richland<br>Don Ray | Staff Development, CEC | 1/31/86-8/31/86 | 2750 | 32170 | "B" |
| Pasco<br>John Mattson | Staff Development/CEC | 1/31/86-8/31/86 | 2750 | 32178 | "B" |
| ESD 123<br>Mel Mangum | Speech & Language Quadraplegic | 2/11/86-8/31/86 | 3807 | 32143 | "B" |
| ESD 171<br>Betty Dodge | Curriculum Adaptation | 9/23/85-8/31/86 | 1375 | 32033 | "B" |
| ESD 171<br>Betty Dodge | Project Share | 10/11/85-8/31/86 | 4750 | 32067 | "B" |
| Wenatchee<br>Mary Perkins | Lee Bussard - Consultant | 11/20/85-8/31/86 | 2171 | 32067 | "B" |
| ESD 171<br>Betty Dodge | SIERS Conference | 12/27/85-8/31/86 | 3810 | 32158 | "B" |
| Wenatchee<br>Mary Perkins | Reintegrating SBD Student | 12/20/85-8/31/86 | 2718 | 32034 | "B" |

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|---|---|---|---|---|---|
| Tacoma<br>John Pearson | Computerized Braille Prod. System | 10/1/85-6/30/86 | 7677 | 32051 | 'B' |
| Seattle<br>D. M. Pattee | Instructional Model | 12/11/85-8/31/86 | 27473 | 32123 | 'B' |
| ESD 121<br>Mick Moore | Model Transition Project | 12/13/85-8/31/86 | 3799 | 32115 | 'B' |
| ESD 121<br>Mick Moore | Work Out! | 1/6/86-8/31/86 | 6998 | 32159 | 'B' |
| Federal Way<br>Chuck Zimmerman | Curr. and Program Development | 1/31/86-8/31/86 | 2403 | 32179 | 'B' |
| Clover Park<br>Wayne Spence | Very Special Arts | 1/31/86-8/31/86 | 13484 | 32172 | 'B' |
| Bethel<br>Glade Miller | Handicapped Student Aide | 2/5/86-8/31/86 | 9036 | 32183 | 'B' |
| Issaquah<br>Peggy Paulson | Shauna's Aide Time | 2/5/86-8/31/86 | 4090 | 32182 | 'B' |
| ESD 121<br>Mick Moore | Emergency Equipment | 2/10/86-8/31/86 | 4065 | 32187 | 'B' |
| Highline<br>John Jewell | Aide for Cardiac Victim | 2/10/86-8/31/86 | 1024 | 32188 | 'B' |
| Richland<br>Don Ray | ESY for H/C Students | 7/1/85-6/1/86 | 2970 | 33998 | 'B' |
| Clarkston<br>Clinton Phillips | ESY - Specialized Summer School | 7/1/85-8/31/86 | 3000 | 33999 | 'B' |
| ESD 123<br>Mel Mangum | Aide - Burbank | 9/16/85-6/30/86 | 5800 | 32028 | 'B' |
| Walla Walla<br>Wel Zander | Aide for Quadraplegic | 12/2/85-8/31/86 | 5240 | 32103 | 'B' |

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|---|---|---|---|---|---|
| Adna<br>Eugene Pyles | Degenerative Muscle Disease | 1/13/86-8/31/86 | 1319 | 32164 | 'B' |
| Rochester<br>Larry Wise | SBD Psychiatric Evaluation | 1/31/86-8/31/86 | 400 | 32176 | 'B' |
| Ocosta<br>Jerry Jenkins | Mainstreaming | 2/10/86-8/31/86 | 720 | 32189 | 'B' |
| Elma<br>Gary Logan | Feeding Program | 2/5/86-8/31/86 | 500 | 32184 | 'B' |
| Chehalis-Centralia<br>Gary Cruzan | Curriculum Development | 2/11/86-8/31/86 | 1701 | 32190 | 'B' |
| Bremerton<br>George Harless | Orthopedic H/C-ESY | 7/5/85-8/31/86 | 7022 | 33992 | 'B' |
| North Mason<br>Rodger DeBritz | ESY | 8/5/85-8/15/85 | 761 | 33993 | 'B' |
| Port Angeles<br>Alan Enderle | Computer Assisted IEP | 1/6/86-8/31/86 | 4147 | 32160 | 'B' |
| ESD 121<br>Don Whitney | ESY Cooperative | 7/1/85-6/30/85 | 61458 | 33990 | 'B' |
| Skykomish<br>Frank Sarno | SECURE | 9/4/85-6/12/86 | 6100 | 33995 | 'B' |
| Highline<br>John Jewell | Patterned Language Workshop | 8/22/85-9/30/85 | 406 | 32005 | 'B' |
| ESD 121<br>Don Whitney | ESD 121/Pierce Co. Voc Ed/Sp Ed | 9/1/85-8/31/86 | 47211 | 32009 | 'B' |
| ESD 121<br>Mick Moore | Tacoma Reassessment Project | 9/9/85-9/30/86 | 9276 | 32018 | 'B' |
| South Central<br>John Willson | Project Support for ESD 121 | 10/11/85-8/31/86 | 6078 | 32038 | 'B' |

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| ESD 112<br>Dick Yule | Extended Diagnostic Services | 10/11/85-8/31/86 | 7829 | 32052 | 'B' |
| Onalaska<br>Mark Stedman | Job Skills | 7/10/85-7/10/86 | 955 | 33994 | 'B' |
| ESD 113<br>Ed Born | Regional Inservice Training | 9/1/85-8/31/86 | 14292 | 32024 | 'B' |
| North Thurston<br>Lynda Esmay | Computerized Access of Braille Mat. | 10/18/85-8/31/86 | 4152 | 32066 | 'B' |
| North Thurston<br>Lynda Esmay | Augmented Communication/Preschool | 11/12/85-8/31/86 | 3057 | 32086 | 'B' |
| North Thurston<br>Lynda Esmay | Advanced Training in Direct Inst. | 10/18/85-8/31/86 | 2853 | 32067 | 'B' |
| Shelton<br>Nell Ellingson | A Cooperative Approach | 11/12/85-8/31/86 | 5304 | 32087 | 'B' |
| Chehalis/Centralia<br>Gary Cruzan | Staff Development | 11/15/85-4/30/86 | 1500 | 32085 | 'B' |
| Raymond<br>Wes Snow | Mainstreaming Inservice | 11/12/85-8/31/86 | 400 | 32084 | 'B' |
| Raymond<br>Chuck Hall | Inservice Training | 11/13/85-6/13/86 | 500 | 32083 | 'B' |
| Pioneer<br>Bert Miller | Staff Development & Counseling | 12/27/85-8/31/86 | 2450 | 32153 | 'B' |
| North Thurston<br>Lynda Esmay | Computer Training for SpEd Tchrs | 12/27/85-8/31/86 | 2234 | 32151 | 'B' |
| North Thurston<br>Kirby Cleveland | Training in Communication Model | 1/6/86-8/31/86 | 611 | 32156 | 'B' |
| McCleary<br>Tim Lancaster | Revision and Goals | 1/13/86-8/31/86 | 1995 | 32163 |  |

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| ESD 101<br>Rick Cole | Presenters for Special Education | 11/4/85-8/31/86 | 3000 | 32080 | 'B' |
| ESD 101<br>Rick Cole | Very Special Arts Festival | 12/4/85-8/31/86 | 8500 | 32113 | 'B' |
| ESD 101<br>Rick Cole | BD Classroom Training | 12/4/85-8/31/86 | 19538 | 32112 | 'B' |
| Wilbur<br>Nancy Lomas | MR Aide | 12/10/85-8/31/86 | 4431 | 32116 | 'B' |
| ESD 101<br>Rick Cole | IDEAS Conference | 1/13/86-8/31/86 | 13500 | 32162 | 'B' |
| Nine Mile Falls<br>Jaime Seaburg | Communication Board | 2/11/86-8/31/86 | 2255 | 32192 | 'B' |
| Northport<br>Neil Hutchens | Aide for SBD | 2/11/86-8/31/86 | 5689 | 32191 | 'B' |
| ESD 105<br>Faye Fuchs | Effective Schools Research Ins. | 8/1/85-6/30/86 | 12995 | 32001 | 'B' |
| ESD 105<br>Faye Fuchs | Taped Text Books | 10/25/85-8/31/86 | 2000 | 32076 | 'B' |
| ESD 105<br>Faye Fuchs | Exemplary Education Inservice Fund | 11/12/85-6/30/86 | 24500 | 32089 | 'B' |
| Toppenish<br>Dan Phelan | Interpreter/Tutor for the Deaf | 12/19/85-8/31/86 | 7500 | 32136 | 'B' |
| ESD 112<br>Dick Yule | Total Audiometric Services | 9/1/85-8/31/86 | 32086 | 33989 | 'B' |
| ESD 112<br>Dick Yule | Kids on the Block | 10/11/85-8/31/86 | 7609 | 32053 | 'B' |
| Battle Ground<br>Ken Crawford | Law Institute | 10/11/85-6/13/86 | 3225 | 32043 | 'B' |

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| ESD 113 (No. Thurston)<br>Joan Seeberger | Self Protection | 7/1/85-6/30/86 | 2807 | 33964 | Adop. |
| ESD 113 (Elma)<br>Joan Seeberger | Self Protection | 7/1/85-6/30/86 | 2819 | 33963 | Adop. |
| Yakima<br>Nick LeCuyer | Learncycle | 7/1/85-6/30/86 | 2900 | 33987 | Adop. |
| Bethel<br>Chris Van Fleck | Kindermath | 7/1/85-6/30/86 | 2784 | 33968 | Adop. |
| ESD 123<br>Mel Mangum | Kindermath | 7/1/85-6//30/86 | 8600 | 33965 | Adop. |
| ESD 101<br>Rick Cole | Inservice Coordinator | 7/1/85-6/30/86 | 61098 | 33902 | IC |
| ESD 105<br>Faye Fuchs | Inservice Coordinator | 7/1/85-6/30/86 | 56512 | 33903 | IC |
| ESD 112<br>Dick Yule | Inservice Coordinator | 7/1/85-6/30/86 | 65548 | 33904 | IC |
| ESD 113<br>Ed Born | Inservice Coordinator | 7/1/85-6/30/86 | 59337 | 33905 | IC |
| ESD 114<br>Don Miller | Inservice Coordinator | 7/1/85-6/30/86 | 53564 | 33906 | IC |
| ESD 121<br>Don Whitney | Inservice Coordinator | 7/1/85-6/30/85 | 135230 | 33907 | IC |
| ESD 123<br>Mel Mangum | Inservice Coordinator | 7/1/85-6/30/86 | 73157 | 33908 | IC |
| ESD 171<br>Terri Thurston | Inservice Coordinator | 7/1/85-6/30/86 | 60100 | 33909 | IC |
| ESD 189<br>Gary Snow | Inservice Coordinator | 9/1/85-8/31/86 | 56938 | 33910 | IC |
| Central Valley<br>Barbara Runberg | Non-Contractual Staff Inservice | 8/15/85-8/31/86 | 1500 | 33997 | 'B' |

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| Shoreline<br>Dave Low | I Can | 7/1/85-6/30/86 | 2860 | 33882 | Adop. |
| Methow Valley<br>R. Crossland | Down Syndrome | 7/1/85-6/30/86 | 1780 | 33877 | Adop. |
| Battle Ground<br>Gary Brouillet | Communication | 7/1/85-6/30/86 | 2775 | 33866 | Adop. |
| Richland<br>Don Day | Active | 7/1/85-6/30/86 | 2900 | 33881 | Adop. |
| Winlock<br>Robert Rice | COPE/Kindermouth | 7/1/85-6/30/86 | 2120 | 33886 | Adop. |
| Creston<br>Dennis Ross | ERIN | 7/1/85-6/30/86 | 2815 | 33870 | Adop. |
| Sumner<br>Leslie Loftus | Self Protection | 7/1/85-6/30/86 | 2173 | 33882 | Adop. |
| Palouse<br>Larry Warner | Learncycle | 7/1/85-6/30/86 | 2881 | 33879 | Adop. |
| Onalaska<br>Glen Hoover | COPE/Kindermouth | 7/1/85-6/30/86 | 2058 | 33878 | Adop. |
| Bothell<br>Chris Van Fleck | COPE | 7/1/85-6/30/86 | 1858 | 33867 | Adop. |
| Peninsula<br>Kathy Oliver | COPE | 7/1/85-6/30/86 | 3000 | 33880 | Adop. |
| ESD 113 (Chehalis)<br>Joan Seeberger | Self Protection | 7/1/85-6/30/86 | 2505 | 33867 | Adop. |
| Tacoma<br>G. Frankenberg | Communications | 7/1/85-6/30/86 | 3000 | 33885 | Adop. |
| Inchelium<br>Mark Heim | Communication | 7/1/85-6/30/86 | 2025 | 33871 | Adop. |

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| ESD 112<br>Dick Yule | Inservice Training Needs | 11/6/85-6/30/86 | | 26233 | 32072 | SN |
| CWU<br>Sam Rust | Integrating Special Net | 11/20/85-6/30/86 | | 5400 | 32096 | SN |
| Seattle<br>Anita Foxworth | Ins. Trng. Alt. Instruction | 11/20/85-6/30/86 | | 18992 | 32098 | SN |
| WSU<br>Stephen Lilly | In-state Travel | 11/25/85/7/31/86 | | 1666 | 33080 | SN |
| ESD 123<br>Mel Mangum | Counterpoint | 12/2/85-6/30/86 | | 33025 | 32180 | SN |
| ESD 113<br>Ed Born | WASA Job-A-Like Inservice | 12/11/85-7/1/86 | | 5100 | 32126 | SN |
| ESD 113<br>Ed Born | Transition Implementation Sp. | 10/1/85-9/30/86 | | 29661 | 32036 | SN |
| Elma<br>Leslie Short | Action | 7/1/85-6/30/86 | 2988 | | 33672 | Adop. |
| Moses Lake<br>Patricia Lee | EPSF | 7/1/85-6/30/86 | 1700 | | 33676 | Adop. |
| Ellensburg<br>Mark Weldon | Portage | 7/1/85-6/30/86 | 3000 | | 33671 | Adop. |
| Kennewick<br>Lonnie Smith | Teaching Research Inservice | 7/1/85-6/30/86 | 3000 | | 33678 | Adop. |
| Sumner<br>Teresa Stroud | Action | 7/1/85-6/30/86 | 7630 | | 33663 | Adop. |
| Mercer Island<br>Joan Simental | Learncycle | 7/1/85-6/30/86 | 3000 | | 33675 | Adop. |
| Central Kitsap<br>Susan Gurley | Communication | 7/1/85-6/30/86 | 2740 | | 33669 | Adop. |

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| Mercer Island<br>P-Lehning | Parent/Community Relations | 7/1/85-6/28/86 | 124575 | 32003 | SN B. |
| ESD 112<br>Dick Yule | Inservice Education for Teachers w/VHC | 7/1/85-6/30/86 | 12964 | 33901 | SN |
| Everett<br>E. Heimdahl | Occupational Preparation | 7/11/85-8/31/86 | 13015 | 33924 | SN |
| U.W.<br>Marie Thompson | Technical Assistance Manual | 7/1/5/85-11/15/85 | 2765 | 33923 | SN |
| U.W.<br>James Affleck | Tri-Level Career Prep. Prog. | 7/1/85-6/30/86 | 29909 | 32011 | SN |
| ESD 114<br>Don Miller | Phone Service for LD Disk | 10/1/85-6/30/86 | 5699 | 32023 | SN |
| Clover Park<br>John Watson | SEMCAD | 9/13/85-8/31/86 | 150254 | 32026 | SN |
| Lake Washington<br>Nancy Wilson | Generalization of Skills | 9/23/85-8/31/86 | 8000 | 32031 | SN |
| Sumner<br>Tom Queen | WASP Fall Conference | 9/24/85-8/31/86 | 3500 | 32032 | SN |
| ESD 114<br>Don Miller | Standards Committee Pres. | 10/11/85-9/30/86 | 536 | 32047 | SN |
| CWU<br>Glenn Madsen | CHARGE | 10/14/85-6/30/86 | 3197 | 32037 | SN |
| ESD 114<br>Don Miller | LD Error Verification | 10/11/85-6/30/86 | 1113 | 32045 | SN |
| CWU<br>Glenn Madsen | Training Workshops | 10/18/85-8/31/86 | 15037 | 32061 | SN |
| CWU<br>Glenn Madsen | You Are The Expert IX | 10/18/85-8/31/86 | 5980 | 32062 | SN |

| | | | | | |
|---|---|---|---|---|---|
| ESD 121<br>Mick Moore | Communication System | 9/16/85-6/30/86 | 6026 | 32029 | 'A' |
| Snoqualmie Valley<br>Dorothy Beamer | Instructional Aide | 10/23/85-8/31/86 | 10149 | 32060 | 'A' |
| Sumner<br>Patricia Woodburn | Equipment for VI | 12/11/85-8/31/86 | 2270 | 32117 | 'A' |
| ESD 123<br>Mel Mangum | Neurological Aide - Warden | 9/23/85-6/30/86 | 9000 | 32035 | 'A' |
| Pasco<br>John Mattson | Tourette's Syndrome Aide | 9/23/85-6/13/86 | 7036 | 32034 | 'A' |
| Kennewick<br>Lannie Smith | Home Teacher for Quadriplegic | 11/1/85-6/11/85 | 1733 | 32075 | 'A' |
| Kennewick<br>Lannie Smith | Aide for Blind Student | 10/28/85-8/31/86 | 3757 | 32074 | 'A' |
| ESD 123<br>Mel Mangum | Dixie Aide | 12/2/85-8/31/86 | 7901 | 32104 | 'A' |
| Moses Lake<br>Mark Miles | Multihandicapped/VI-OI | 10/11/85-8/31/86 | 5420 | 32058 | 'A' |
| Wenatchee<br>Mary Perkins | Wheelchair Bus Lift | 11/5/85-8/31/86 | 6362 | 32082 | 'A' |
| Wenatchee<br>Mary Perkins | Intervention for Rett Syndrome | 12/4/85-8/31/86 | 3238 | 32114 | 'A' |
| Moses Lake<br>Mark Miles | Equipment for MHC | 12/2/85-8/31/86 | 2607 | 32102 | 'A' |
| Arlington<br>Floyd Ellingson | Medically Fragile | 9/18/85-6/13/86 | 16085 | 32021 | 'A' |
| Bellingham<br>William Attebery | Assistance for BD/Deaf Student | 10/18/85-8/31/86 | 9299 | 32064 | 'A' |

|  |  |  |  |  |  |
|---|---|---|---|---|---|
| Republic<br>M. A. Sager | Education Specialist | 11/4/85-8/31/86 | 3584 | 32081 | 'A' |
| Pullman<br>Sandra Owen | Instructional Aide | 12/4/85-8/3/1/86 | 6323 | 32108 | 'A' |
| Pullman<br>Sandra Owen | Student's Special Needs | 12/4/85-8/31/86 | 915 | 32106 | 'A' |
| Creston<br>Michael Crowell | Emergency Situational Funding | 12/4/85-8/31/86 | 5035 | 32107 | 'A' |
| Wilbur<br>Nancy Lomas | One-to-One Supervision | 12/4/85-8/31/86 | 7595 | 32105 | 'A' |
| Kettle Falls<br>Craig Figley | SBD Aide | 12/4/85-8/31/86 | 4651 | 32111 | 'A' |
| Keller<br>Joyce Nee | MS Computer | 12/4/85-8/31/86 | 5637 | 32110 | 'A' |
| Odessa<br>Gordon Wallace | Rifton Chain Tricycle | 12/4/85-8/31/86 | 370 | 32109 | 'A' |
| Oakville<br>Dennis Brandon | Support to DD Students | 8/27/85-6/14/86 | 9225 | 32025 | 'A' |
| Adna<br>Eugene Pyles | Transportation Assistance | 9/27/85-6/30/86 | 4133 | 32065 | 'A' |
| Chehalis<br>Gary Cruzan | Behavior Management Specialist | 10/11/85-6/30/86 | 8327 | 32054 | 'A' |
| Tenino<br>Jack Jutte | Bus Aide | 11/6/85-8/30/86 | 9000 | 32088 | 'A' |
| Aberdeen<br>Harry Carthum | Interpreter - Tutor | 11/20/85-8/31/86 . | 8975 | 32095 | 'A' |
| Quillayute Valley<br>J. D. Lyon | Inst./Transp. for MHC | 12/2/85-8/31/86 | 12624 | 32101 | 'A' |

|  |  |  |  |  |  |
|---|---|---|---|---|---|
| Mount Vernon<br>Dan Donat | Attendant Aide for Health Impaired | 11/15/85-8/31/86 | 6396 | 32090 | 'A' |
| Orcas Island<br>Larry Lindberg | Preschool Student | 11/20/85-8/31/85 | 6799 | 32094 | 'A' |
| Ferndale<br>Tyronne Knutson | SBD Assistance | 12/11/85-8/3/1/86 | 10184 | 32121 | 'A' |

## D. STATE SPECIAL EDUATION ADVISORY COUNCIL

The Special Education State Advisory Council, in compliance with RCW 28.13.070, WAC 392-171-305, and 34 CFR 300.650-653 provides to the state advisement and council in facilitating the provision of special education and related services to all handicapped students in the state.

### STATE STANDARDS

WAC 392-171-305 Advisory Council. (1) Council established--The special education advisory council is hereby established in order to help facilitate the provision of special education and related services to meet every handicapped student's unique needs, abilities and limitations.

(2) Membership—The membership of the council shall include at least one representative of each of the following groups or entities:

(a) Handicapped individual;
(b) Teacher of handicapped students;
(c) Parent of handicapped students;
(d) Local administrator of special education programs;
(e) Support services person;
(f) Superintendent;
(g) Principal;
(h) Administrator of nonpublic schools serving handicapped students;
(i) School director;
(j) Representative of Institutions of higher education;
(k) Representative of social and health services;
(l) Representative of the medical profession; and
(m) Other individuals or representatives of groups as may hereafter be designated and approved by the Superintendent of Public Instruction.

(3) Functions--The Council's purposes are:

(a) To advise the Superintendent of Public Instruction and to make recommendations on all matters related to special education and specifically advise the superintendent of unmet needs within the state in the education of handicapped students;

(b) Comment publicly on the state's annual program plan, state rules regarding the education of handicapped students, and the procedures for distribution of funds; and

(c) Assist the state in developing and reporting such information and evaluations as may assist the federal government.

(4) Organization--The council shall conduct its affairs in accordance with bylaws approved by the Superintendent of Public Instruction. To assure that maximum information and recommendations are provided to the Superintendent of Public Instruction, the State Advisory Council shall have the authority to recommend the design of its organization and to appoint subcommittees from its membership for carrying out council responsibilities. Ad hoc subcommittees with membership other than council members may be appointed: PROVIDED, That the Superintendent of Public Instruction or his or her designee has given prior approval for such appointments.

## Role of the State Special Education Advisory Council, (Projected 1987-89)

A. Prepare and present to the Superintendent of Public Instruction a report, including recommendations, regarding the development, implementation and refinement of a state special education funding system.

B. Assist in the study of issues which will impact special education including, but not limited to, the following:

1. Rules and regulations
2. Program Standards
3. Local special education advisory councils.
4. Special projects at the request of the Superintendent of Public Instruction.
5. Enhancement of cooperation and communication between physicians and educators.
6. Graduation, diplomas, and transcripts
7. The prevalence and appropriatness of segregated facilites in the public schools.
8. The program delivery and services to severely behavioral disordered student.
9. The referral, assessment and placement of non-English speaking children.
10. Follow-up studies on children with handicaps after they leave the public schools.
11. Results of special education litigation and hearings within the state.
12. Impact of certified vs. non-certified interpreters in programs for the hearing impaired.
13. The need for and provision of ongoing inservice education programs at all levels of the special education programs, including parent education.
14. Review program delivery models implemented in local school districts and present recommendations to the Superintendent of Public Instruction.

## III. LOCAL EDUCATION AGENCY ALLOCATIONS

1. Number and percent of LEAs receiving Part B funds (non-consolidated)

For the 1985-86 fiscal year ninety-six (96) LEAs are receiving allocations as administrative districts not involved in consolidated applications. Of the total of two-hundred ninety-two LEAs receiving funds under Part B, this number represents thirty-three percent (33%).

2. Number of LEAs receiving allocations under a consolidated application (1985-1986)

Twenty-seven (27) LEAs are administering consolidated applications within the state, with a total of one-hundred sixty nine (169) districts participating, for a total of one-hundred ninety-six (196) districts receiving allocations under consolidated applications.

3. Number of consolidated applications-average number of LEAs for applications (1985-86)

Of the twenty-seven (27) consolidated applications being administered during the 1985-86 fiscal year, each is serving an average of 6.26 LEAs in addition to the administering LEA.

Given the historical pattern of consolidated applications and no anticipated change in educational subdivisions in the state, the number of consolidated applications is projected to remain stable during the period of time covered by this application.

4. Description of Direct Services provided by SEA

The Office of Superintendent of Public Instruction, State of Washington, does not provide direct services to handicapped children in the state (RCW 28A.13.[illegible] & [illegible]).

Please refer to the LEA Application for P.L. 94-142, for forms and procedures utilized by LEAs in making application for P.L. 94-142 funds. (See Appendix F).

# APPENDIX B

# MONTHLY ENROLLMENT REPORT

# FORM P-22(B)

SPI

[illegible]

[illegible]

[illegible] [illegible] [illegible]

| [illegible] | [illegible] | TOTAL |
|---|---|---|
| 1. [illegible] | | |
| 2. [illegible] | | |
| 3. [illegible] | | |
| 4. [illegible] | | |
| 5. [illegible] | | |
| 6. [illegible] | | |
| 7. [illegible] | | |
| 8. [illegible] | | |
| 9. [illegible] | | |
| 10. [illegible] | | |
| 11. [illegible] | | |
| 12. [illegible] | | |
| 13. [illegible] | | |
| 14. [illegible] | | |
| [illegible] | | |

[illegible] [illegible]

[illegible]

## INSTRUCTIONS FOR COMPLETING FORM P-223H

Report Special Education headcount enrollment as of the fourth school day of the school fiscal year for the month of September or the first school day of any of the subsequent eight months. The district's P-223H report is due in the ESD office six school days after the count date. Submit the original and one copy of the report to the ESD, even if program data remains unchanged from the previous month. Complete a separate P-223H form for each of the districts being served (for each resident district) in the cooperative in addition to a P-223H for the serving district's own handicapped enrollment.

The following criteria must be met for each student counted on Form P-223H:

1. The student's assessment must be current (WAC 392-171-[illegible], 392-171-[illegible], 392-171-[illegible]).

2. Eligibility must have been established to receive special education and related services (WAC 392-171-[illegible], 392-171-[illegible], 392-171-[illegible], 392-171-[illegible], 392-171-[illegible], 392-171-[illegible]).

3. The student's individualized education program (IEP) must be current and in effect (WAC 392-171-[illegible], 392-171-[illegible]).

4. Appropriate parental notice requirements must have been met prior to initial or continuing placement (WAC 392-171-[illegible], 392-171-[illegible], 392-171-[illegible], 392-171-[illegible], 392-171-[illegible]).

5. The student must be receiving special education and related services (WAC 392-171-[illegible], 392-171-[illegible]).

6. Consideration of the need for extended school year special education services must be documented in the IEP for each handicapped student reported (WAC 392-171-[illegible], 392-171-[illegible], 392-171-[illegible], 392-171-[illegible]).

Indicate the number of individual students (headcount) by handicapping category and age.

# APPENDIX B

## SPECIAL EDUCATION
## INSERVICE
## NEEDS SURVEY

Report

# SUMMARY OF SPECIAL EDUCATION
# INSERVICE TRAINING NEEDS ASSESSMENT

Mimi Heggelund

Eugene Edgar

University of Washington

December 1985

This report summarizes results from the third survey of inservice training needs of special education personnel across the state of Washington conducted during the fall of 1985.

The fall 1985 survey was conducted on a select sample of personnel using the same format as the previous surveys which provided common statewide data yet alloweu fur ESD adaptation to tap local needs.

The enclosed data reflect the opinions and needs of seven categories of educational professionals: special education directors, special education teachers, communication disorder specialists, occupational and physical therapists, psychologists, principals, and regular education teachers. Individual forms were developed for each of the above categories. These competency lists were originally generated by a group of directors from across the state, through a modified Delphi technique, and were later refined.

METHOD

Each Inservice Coordinator for the nine ESDs, was requested to disseminate the survey to personnel within each of the seven categories: Special Education Directors (2), special education teachers (5), principals (4), psychologists (4), OT/PT (3), CDS (3) and regular education teachers (5), for a total of 25 personnel per ESD. These personnel completed the forms and returned them to their ESD inservice coordinators who forwarded them to the University of Washington office for data analysis. The twelve items which are priority content areas and which are specific to each of the seven categories were rated on a three-point scale (1 = low need, 2 = moderate need, 3 = high need).

SAMPLE

A summary of the returns for each category within each ESD is shown in Table 1. In addition to the total numbers represented for each category by ESD, Table 1 reflects the percentage of the total number of participants within each category by each ESD.

Table 2 reflects the total number and percentages of participants for all ESDs by category for Spring 84, Fall 84 and Fall 85 surveys.

RESULTS

The data summarized in Tables 3 through 9 reflect the item average response for the nine ESDs by category. The total item average and range of responses, are also reflected in these tables.

Tables 10 through 16 reflect the total item average within each category for all the ESDs combined for the Spring 84, Fall 84 and Fall 85 survey of the inservice training needs.

## SPECIAL EDUCATION TEACHERS

These teachers indicated a relatively high need in the areas of "computer use in special education" as well as in the area of "curriculum and class based assessment." Although the area of "computer use in special education" has the highest rating, it also shows a slight decrease since the previous survey, while "curriculum/class based assessment" shows the greatest increase.

## REGULAR EDUCATION TEACHERS

The "coordination of teaching study skills" and "behavior management" are the two highest ranked needs for regular education teachers. Both showed an increase in means since the Fall '84 survey.

## DIRECTORS

Data from the director's surveys indicated a high need in the areas of "programming for behavior disorders" and "coordination of regular and special education." Both areas showed increases in need since previous surveys.

## PRINCIPALS

"Programming for behavior disorders" and "staff burnout" were among the highest rated needs for principals. Both areas show an increase in need over previous surveys, with "staff burnout" showing the greatest increase in mean for principals.

## OT/PT

OT/PT personnel have indicated a high need in the areas of "adaptive technology" and "educational significance of physical problems". Both of these need areas show an increase since previous surveys, the latter showing the greatest increase.

PSYCHOLOGISTS

Data from these ratings indicate the area of "update of BD programming" as the highest rated need with a slight increase since the previous survey and "disciplinary problems versus behavioral problems" was the second highest rated area. The latter area, however, showed a slight decrease since the previous survey. "Curriculum/class based assessment" showed the greatest mean increase.

CDS

"Programming for severely involved students" was rated the highest need area by the CDSs'. "Communication assessment for severely involved" was rated second highest. In comparison to the previous survey, both areas showed an increase in need since the previous survey. The latter area reflects the greatest increase in item average since the previous survey.

FUTURE PLANS

The inservice training needs process will continue for the 1984-85 school year. Following this mini survey of Fall 85, the forms will be revised with input from the field and from DSPI. A large scale survey will be conducted during Winter 1986 and summarized by Spring 1986.

## TABLE 1

### CATEGORIES REPRESENTED IN MINI SURVEY
Fall '85

| CATEGORY | EDUCATIONAL SERVICE DISTRICT | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 101 | 105 | 112 | 113 | 114 | 121 | 123 | 171 | 189 | TOTAL | % |
| TEACHER (SE) | 5 | | 5 | 4 | 3 | | 3 | 3 | 5 | 28 | 20.6% |
| TEACHER (RE) | 5 | | 5 | 5 | | | 3 | | 5 | 23 | 16.9% |
| DIRECTOR (SE) | 1 | | 2 | 2 | 1 | | 2 | 1 | 2 | 11 | 8.1% |
| PRINCIPAL | 2 | | 4 | 4 | | | 2 | 3 | 2 | 17 | 12.5% |
| OT/PT | 1 | | 3 | 3 | 1 | | 1 | 2 | 2 | 13 | 9.6% |
| PSYCHOLOGIST | 4 | | 4 | 4 | 2 | | 3 | 5 | 4 | 26 | 19.1% |
| CDS | 3 | | 3 | 3 | 1 | | 2 | 3 | 3 | 18 | 13.2% |
| TOTALS | 21 | | 26 | 25 | 8 | | 16 | 17 | 23 | 136 | |
| % | 15.4% | 0.0% | 19.1% | 18.4% | 5.9% | 0.0% | 11.8% | 12.5% | 16.9% | 100% | |

## TABLE 2

## INSERVICE TRAINING NEEDS ASSESSMENT

### Number & Percentage of Respondents

| CATEGORY | SPRING 1984 | | FALL 1985 | | FALL 19895 | |
|---|---|---|---|---|---|---|
| | N | % | N | % | N | % |
| TEACHERS(SE) | 492 | 37.4% | 349 | 26.4% | 28 | 20.6% |
| TEACHERS(RE) | | 0.0% | 382 | 28.9% | 23 | 16.9% |
| DIRECTORS | 125 | 9.5% | 98 | 7.4% | 11 | 8.1% |
| PRINCIPALS | 338 | 25.7% | 231 | 17.4% | 17 | 12.5% |
| OT/PT | 71 | 25.7% | 51 | 3.9% | 13 | 9.6% |
| PSYCHOLOGISTS | 139 | 25.7% | 105 | 7.9% | 26 | 19.1% |
| CDS | 149 | 25.7% | 108 | 8.2% | 18 | 13.2% |
| TOTAL | 1,314 | 100.0% | 1,324 | 100.0% | 136 | 100.0% |

# TABLE 3

## F'85 RESULTS
## INSERVICE TRAINING NEEDS/SPECIAL ED. TEACHERS

RATINGS
1 = low need
2 = moderate need
3 = high need

| Questions | 101 | 105 | 112 | 113 | 114 | ESD 121 | 123 | 171 | 189 | Total F' 85 AVERAGE | RANGE | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| N = | 5 | | 5 | 4 | 3 | | 3 | 3 | 5 | 28 | | |
| Use of computers in spec. ed. | 3.00 | | 2.00 | 2.25 | 2.00 | | 2.67 | 2.00 | 2.60 | 2.39 | 2.00 | 3.00 |
| Curr./class based assess | 1.80 | | 2.33 | 1.75 | 2.60 | | 5.67 | 2.67 | 2.60 | 2.25 | 1.75 | 2.60 |
| Teaching social skills | 2.00 | | 2.33 | 2.25 | 2.60 | | 1.33 | 1.64 | 2.20 | 2.18 | 2.00 | 2.60 |
| Selec./dev./use of curr. | 2.60 | | 2.33 | 2.25 | 2.20 | | 2.33 | 1.00 | 2.00 | 2.15 | 2.20 | 2.60 |
| Coor. of curr. IEPs & progr. | 2.00 | | 3.00 | 1.75 | 2.60 | | 1.67 | 1.67 | 2.20 | 2.14 | 1.50 | 2.20 |
| Ongoing stud. perform. eval. | 1.60 | | 2.00 | 2.25 | 2.00 | | 2.33 | 2.00 | 2.20 | 2.00 | 1.60 | 2.25 |
| Stress management | 1.60 | | 2.00 | 1.75 | 2.40 | | 2.00 | 1.67 | 2.40 | 1.96 | 1.60 | 2.40 |
| Consultation, in-class instr. | 2.20 | | 1.67 | 1.75 | 1.60 | | 1.00 | 2.33 | 2.50 | 1.93 | 1.60 | 2.20 |
| Data management | 2.20 | | 1.67 | 1.50 | 1.80 | | 1.67 | 2.33 | 1.80 | 1.86 | 2.00 | 2.60 |
| Scheduling time on task | 1.25 | | 2.33 | 2.00 | 1.80 | | 2.33 | 1.00 | 2.00 | 1.81 | 1.25 | 2.33 |
| Vocational education | 2.20 | | 1.67 | 2.25 | 2.00 | | 1.67 | 1.00 | 1.40 | 1.79 | 1.67 | 2.25 |
| Direction instruction procedure | 1.40 | | 2.00 | 1.75 | 2.20 | | 1.00 | 1.33 | 1.80 | 1.71 | 1.40 | 2.20 |

## TABLE 4

## F'85 RESULTS
## INSERVICE TRAINING NEEDS/REGULAR ED. TEACHERS

RATINGS
1 = low need
2 = moderate need
3 = high need

| Questions | | | | | | ESD | | | | Total F' 85 | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 101 | 105 | 112 | 113 | 114 | 121 | 123 | 171 | 189 | AVERAGE | RANGE |
| N = | 5 | | 5 | 5 | | | 3 | | 5 | 23 | |
| Teaching study skills | 1.80 | | 2.60 | 2.60 | | | 2.00 | | 2.60 | 2.35 | 1.80 2.60 |
| Behavior management | 2.00 | | 2.40 | 2.40 | | | 2.33 | | 2.40 | 2.30 | 2.00 2.40 |
| Teaching social skills | 2.00 | | 3.00 | 2.40 | | | 1.33 | | 2.00 | 2.22 | 1.33 3.00 |
| Use of computers | 2.00 | | 2.00 | 2.00 | | | 1.33 | | 2.40 | 2.09 | 1.33 2.40 |
| Select/dev./use of curr. | 1.60 | | 1.80 | 2.00 | | | 2.00 | | 2.20 | 2.00 | 1.60 2.20 |
| Knowledge of h.c. condit. | 2.00 | | 2.40 | 1.40 | | | 1.00 | | 2.60 | 2.00 | 1.00 2.60 |
| Instructional procedures | 1.80 | | 2.20 | 1.80 | | | 1.00 | | 2.40 | 1.91 | 1.00 2.40 |
| Coordination of IEPs | 1.60 | | 1.60 | 2.20 | | | 1.33 | | 2.20 | 1.83 | 1.33 2.20 |
| Ongoing student eval. | 1.60 | | 2.25 | 1.00 | | | 2.00 | | 1.80 | 1.68 | 1.00 2.25 |
| Consult with adm. & staff | 1.40 | | 1.40 | 2.00 | | | 1.00 | | 2.00 | 1.61 | 1.00 2.00 |
| Knowl. of spec ed curr. | 2.00 | | 1.20 | 1.00 | | | 1.33 | | 2.40 | 1.61 | 1.00 2.40 |
| Meeting SLO's for spec. ed | 2.00 | | 1.60 | 1.00 | | | 1.00 | | 2.20 | 1.61 | 1.00 2.20 |

# TABLE 5

## F'85 RESULTS
## INSERVICE TRAINING NEEDS/DIRECTORS

RATINGS
1 = low need
2 = moderate need
3 = high need

| Questions | 101 | 105 | 112 | 113 | 114 | ESD 121 | 123 | 171 | 189 | Total F' 85 AVERAGE | RANGE |
|---|---|---|---|---|---|---|---|---|---|---|---|
| N = | 1 | | 2 | 2 | 1 | | 2 | 1 | 2 | 11 | |
| Progr. for beh. disorders | 3.00 | | 2.50 | 2.50 | 3.00 | | 3.00 | 3.00 | 3.00 | 2.82 | 2.500 3.00 |
| Coord. of reg. & spec. ed. | 3.00 | | 3.00 | 2.00 | 2.00 | | 3.00 | 3.00 | 3.00 | 2.73 | 2.00 3.00 |
| Alt. placemt. of low funct. | 1.00 | | 2.50 | 2.00 | 3.00 | | 3.00 | 3.00 | 2.50 | 2.45 | 1.00 3.00 |
| Program evaluation | 2.00 | | 3.00 | 2.00 | 2.00 | | 3.00 | 3.00 | 2.00 | 2.45 | 2.00 3.00 |
| Vocational programming | 3.00 | | 3.00 | 2.00 | 2.00 | | 2.50 | 3.00 | 1.50 | 2.36 | 1.50 3.00 |
| Research on effect. instr. | 2.00 | | 3.00 | 2.00 | 3.00 | | 2.50 | 1.00 | 2.00 | 2.30 | 1.00 3.00 |
| Effective ed. change | 2.00 | | 3.00 | 2.00 | 1.00 | | 2.50 | 2.00 | 2.50 | 2.30 | 1.00 3.00 |
| Consult. skills with teacher | 2.00 | | 2.00 | 2.50 | 3.00 | | 2.00 | 1.00 | 3.00 | 2.27 | 1.00 3.00 |
| Curr. planning/PK-12 | 1.00 | | 3.00 | 2.00 | 3.00 | | 2.00 | 2.00 | 2.00 | 2.18 | 1.00 3.00 |
| Instr. proc. in spec. ed. | 2.00 | | 2.00 | 3.00 | 3.00 | | 2.00 | 2.00 | 1.50 | 2.10 | 2.00 1.50 |
| Computer use for instr. | 3.00 | | 2.00 | 2.50 | 2.00 | | 1.50 | 1.00 | 1.50 | 1.91 | 1.00 3.00 |
| Computer mgmt of data | 3.00 | | 2.00 | 1.00 | 3.00 | | 1.50 | 1.00 | 2.00 | 1.82 | 1.00 3.00 |

## TABLE 6

## F'85 RESULTS
## INSERVICE TRAINING NEEDS/PRINCIPALS

RATINGS
1 = low need
2 = moderate need
3 = high need

| Questions | 101 | 105 | 112 | 113 | 114 | ESD 121 | 123 | 171 | 189 | Total F' 85 AVERAGE | RANGE | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| N = | 2 | | 4 | 4 | | | 2 | 3 | 2 | 17 | | |
| Programming of beh. disorder | 2.50 | | 2.25 | 2.75 | | | 1.50 | 2.33 | 2.25 | 2.41 | 2.26 | 1.50 |
| Staff burnout | 1.50 | | 2.75 | 3.00 | | | 3.00 | 1.67 | 1.00 | 2.35 | 1.00 | 3.00 |
| Coord. reg. & spec. education | 2.00 | | 1.25 | 2.75 | | | 2.00 | 2.67 | 2.50 | 2.29 | 1.25 | 2.75 |
| Attitude of reg staff | 2.00 | | 1.75 | 3.00 | | | 1.50 | 2.67 | 2.33 | 2.24 | 1.50 | 3.00 |
| Stress management | 2.00 | | 2.25 | 2.75 | | | 2.50 | 1.67 | 1.75 | 2.24 | 2.15 | 1.67 |
| Curriculum based assessment | 1.50 | | 2.25 | 1.00 | | | 2.00 | 1.33 | 2.33 | 1.65 | 1.00 | 2.33 |
| Classroom observation tech. | 1.50 | | 1.50 | 2.00 | | | 2.50 | 1.33 | 1.75 | 1.94 | 1.33 | 2.50 |
| Needs of children with dis. | 2.50 | | 2.00 | 2.00 | | | 1.50 | 2.00 | 1.50 | 1.88 | 1.50 | 2.50 |
| Parent involvement | 2.00 | | 2.25 | 2.25 | | | 2.00 | 1.67 | 1.50 | 1.88 | 1.50 | 2.25 |
| Special ed. instr. procedures | 2.00 | | 1.75 | 1.25 | | | 2.00 | 1.67 | 1.50 | 1.76 | 1.25 | 2.00 |
| Curriculum adaptation | 3.00 | | 3.00 | 1.50 | | | 1.50 | 1.33 | 2.50 | 2.12 | 1.33 | 3.00 |
| Student evaluation | 1.50 | | 1.50 | 1.00 | | | 2.00 | 1.33 | 2.33 | 1.59 | 1.00 | 2.33 |

## TABLE 7

### F'85 RESULTS
### INSERVICE TRAINING NEEDS/OT/PT

RATINGS

| 1 = low need |
| 2 = moderate need |
| 3 = high need |

| Questions<br>N = | 101<br>1 | 105 | 112<br>3 | 113<br>3 | 114<br>1 | ESD 121 | 123<br>1 | 171<br>2 | 189<br>2 | Total F' 85 AVERAGE<br>13 | RANGE | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Adaptive technology | 3.00 | | 2.33 | 2.00 | 2.00 | | 2.00 | 3.00 | 2.50 | 2.38 | 2.00 | 3.00 |
| Ed signif. of physical prob. | 2.00 | | 2.33 | 2.33 | 3.00 | | 3.00 | 2.00 | 2.00 | 2.31 | 2.00 | 3.00 |
| Consulting skills w/teachers | 2.00 | | 2.33 | 1.67 | 3.00 | | 2.00 | 1.50 | 3.00 | 2.15 | 1.67 | 3.00 |
| Perceptual research update | 3.00 | | 1.67 | 1.67 | 2.00 | | 2.00 | 2.50 | 2.50 | 2.08 | 1.67 | 3.00 |
| Knowledge of laws | 2.00 | | 2.00 | 2.33 | 2.00 | | 1.00 | 2.50 | 2.00 | 2.08 | 1.00 | 2.00 |
| Management strategies | 2.00 | | 2.33 | 2.33 | 2.00 | | 2.00 | 1.50 | 2.50 | 2.00 | 2.08 | 2.33 |
| Methods of meas. student prog. | 3.00 | | 1.67 | 2.33 | 3.00 | | 1.00 | 1.50 | 1.50 | 1.92 | 1.67 | 3.00 |
| Progr. for severely involved | 2.00 | | 1.33 | 3.00 | 3.00 | | 1.00 | 1.00 | 2.00 | 1.92 | 1.33 | 3.00 |
| Motor assess. for preschool | 2.00 | | 1.67 | 2.33 | 2.00 | | 1.00 | 1.00 | 1.00 | 1.67 | 1.67 | 2.33 |
| Progr. for preschool | 2.00 | | 2.00 | 2.33 | 2.00 | | 1.00 | 1.00 | 1.50 | 1.77 | 2.00 | 2.33 |
| Motor assess. for sev. involv. | 2.00 | | 2.33 | 2.67 | 2.00 | | 2.00 | 1.00 | 1.00 | 1.92 | 2.00 | 2.67 |
| Programming for secondary | 1.00 | | 2.00 | 1.67 | 1.00 | | 1.00 | 1.00 | 1.50 | [illegible] | 2.00 | 3.00 |

# TABLE 8

## F'85 RESULTS
## INSERVICE TRAINING NEEDS/PSYCHOLOGISTS

RATINGS

1 = low need
2 = moderate need
3 = high need

| Questions | 101 | 105 | 112 | 113 | 114 | ESD 121 | 123 | 171 | 189 | Total F' 85 AVERAGE | RANGE | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| N = | 4 | | 4 | 4 | 2 | | 3 | 5 | 4 | 26 | | |
| Update of BD programming | 1.75 | | 2.33 | 1.75 | 3.00 | | 3.00 | 2.25 | 2.33 | 2.28 | 1.75 | 3.00 |
| Discipl. prob. vs behav. prob. | 2.50 | | 2.33 | 2.25 | 2.00 | | 2.67 | 2.50 | 1.75 | 2.23 | 1.75 | 2.67 |
| Social skills training | 1.25 | | 2.33 | 2.25 | 2.50 | | 2.67 | 2.25 | 2.25 | 2.08 | 1.25 | 2.67 |
| Curri/classroom based assess | 1.50 | | 2.00 | 1.75 | 3.00 | | 2.33 | 1.75 | 2.50 | 2.08 | 1.50 | 3.00 |
| Classroom management techn. | 2.00 | | 2.67 | 2.25 | 2.50 | | 1.33 | 1.50 | 2.33 | 2.04 | 1.33 | 2.67 |
| Consulting skills/models | 1.25 | | 3.00 | 2.75 | 3.00 | | 1.67 | 1.50 | 2.50 | 2.04 | 1.25 | 3.00 |
| Update on preschool testing | 1.75 | | 2.00 | 1.25 | 1.50 | | 2.00 | 2.50 | 2.33 | 1.88 | 1.25 | 2.50 |
| Use of testing for ed planning | 1.75 | | 2.00 | 1.25 | 2.00 | | 2.00 | 2.00 | 1.50 | 1.85 | 1.25 | 2.00 |
| Update on adapt. behav. testing | 1.75 | | 1.67 | 1.75 | 3.00 | | 1.67 | 1.50 | 1.15 | 1.81 | 1.50 | 3.00 |
| Cross cultural assessment | 1.50 | | 2.33 | 1.75 | 2.00 | | 1.33 | 2.25 | 2.25 | 2.08 | 1.25 | 2.67 |
| Special education curriculum | 1.25 | | 2.00 | 1.25 | 2.00 | | 2.33 | 2.00 | 1.50 | 1.62 | 1.25 | 2.33 |
| Data management, computers | 1.75 | | 3.00 | 1.50 | 2.50 | | 1.67 | 1.75 | 1.00 | 1.58 | 1.00 | 3.00 |

# TABLE 9

## F'85 RESULTS
## INSERVICE TRAINING NEEDS/CDS

RATINGS
1 = low need
2 = moderate need
3 = high need

| Questions | 101 | 105 | 112 | 113 | 114 | ESD 121 | 123 | 171 | 189 | Total F' 85 AVERAGE | RANGE |
|---|---|---|---|---|---|---|---|---|---|---|---|
| N = | 3 | | 3 | 3 | 1 | | 2 | 3 | 3 | 18 | |
| Progr. for severely involved | 2.67 | | 2.33 | 3.00 | 2.00 | | 2.00 | 2.00 | 3.00 | 2.50 | 2.00 3.00 |
| Comm. assess. for sev. invol. | 2.67 | | 2.33 | 2.67 | 1.00 | | 3.00 | 2.00 | 2.00 | 2.39 | 1.00 3.00 |
| Computer report writing | 2.33 | | 2.67 | 1.67 | 1.00 | | 2.50 | 2.33 | 2.67 | 2.28 | 1.00 2.67 |
| Comm. assess. for preschool | 2.00 | | 2.33 | 2.33 | 3.00 | | 2.00 | 3.00 | 1.33 | 2.22 | 1.33 3.00 |
| Programming for preschool | 3.00 | | 2.33 | 2.33 | 2.00 | | 2.00 | 2.33 | 1.33 | 2.22 | 1.33 3.00 |
| Use of intervention units | 2.33 | | 2.00 | 1.67 | 2.00 | | 2.50 | 2.00 | 2.50 | 2.13 | 1.67 2.50 |
| Programming for secondary | 2.00 | | 2.00 | 2.00 | 2.00 | | 1.50 | 3.00 | 2.67 | 2.06 | 1.500 3.00 |
| Use of aides | 1.67 | | 3.00 | 2.33 | 1.00 | | 2.00 | 2.00 | 1.67 | 2.06 | 1.00 3.00 |
| Parent involvement | 2.00 | | 3.00 | 2.67 | 3.00 | | 2.00 | 1.00 | 1.00 | 2.00 | 1.00 3.00 |
| Consulting skills with others | 2.00 | | 1.67 | 2.33 | 2.00 | | 1.00 | 2.00 | 2.67 | 2.00 | 1.00 2.67 |
| Consulting skills with teachers | 1.67 | | 2.00 | 1.67 | 2.00 | | 1.00 | 1.00 | 2.67 | 1.78 | 1.00 2.67 |
| Methods of meas. student prog. | 1.67 | | 2.00 | 2.00 | 1.00 | | 1.50 | 1.33 | 1.33 | 1.61 | 1.00 2.00 |

TABLE 10

## INSERVICE TRAINING NEEDS ASSESSMENT
## COMPARISON OF RESULTS FOR SPRING 1984, FALL 1984, AND FALL 1985

### SPECIAL EDUCATION TEACHERS

| ITEM | Spring 84<br>MEAN<br>RANGE | Fall 84<br>MEAN<br>RANGE | Change in Mean | Fall 85<br>MEAN<br>RANGE | Change in Mean |
|---|---|---|---|---|---|
| Computers in Spec. Ed. | 2.44<br>2.13-2.63 | 2.46<br>2.23-2.61 | +.02 | 2.39<br>2.00-3.00 | -.07 |
| Consultation & In-Classroom Instr. for Reg. Ed. | 2.11<br>2.00-2.30 | 2.18<br>1.73-2.59 | +.07 | 1.93<br>1.60-2.20 | -.25 |
| Coordination of IEPs and Progress Monitoring | 2.03<br>1.69-2.25 | 2.14<br>2.00-2.19 | +.11 | 2.14<br>1.50-2.20 | .00 |
| Teaching Social Skills | 2.23<br>2.00-2.53 | 2.10<br>1.71-2.31 | -.13 | 2.18<br>2.00-2.60 | +.08 |
| Selection/Development/Use of Curriculum | 2.23<br>2.00-2.36 | 2.08<br>1.86-2.32 | -.15 | 2.15<br>2.20-2.60 | +.07 |
| Stress Management | 2.04<br>1.89-2.23 | 2.05<br>1.89-2.14 | +.01 | 1.98<br>1.60-2.40 | -.07 |
| Ongoing Student Performance Evaluation | 2.00<br>1.77-2.23 | 2.02<br>1.90-2.09 | +.02 | 2.00<br>1.60-2.25 | -.02 |
| Vocational Education | 2.09<br>1.93-2.57 | 1.98<br>1.56-2.22 | -.11 | 1.79<br>1.67-2.25 | -.19 |
| Curriculum/Class Based Assessment | 1.99<br>1.91-2.09 | 1.92<br>1.83-2.19 | -.07 | 2.25<br>1.75-2.60 | +.33 |
| Data Management | 1.80<br>1.61-1.97 | 1.88<br>1.68-1.95 | +.08 | 1.86<br>2.00-2.60 | -.02 |
| Direct Instruction Procedures | 1.91<br>1.81-2.07 | 1.82<br>1.59-1.92 | -.09 | 1.71<br>1.40-2.20 | -.11 |
| Scheduling Time on Task | 1.76<br>1.51-2.12 | 1.74<br>1.52-1.88 | -.02 | 1.81<br>1.25-2.33 | +.07 |

TABLE 11

## INSERVICE TRAINING NEEDS ASSESSMENT
## COMPARISONS OF RESULTS FOR SPRING 1984, FALL 1984, AND FALL 1985

### REGULAR TEACHERS

| ITEM | Spring 84 (Participation began Fall 84) | Fall 84 MEAN<br>RANGE | Fall 85 MEAN<br>RANGE | Change in Mean |
|---|---|---|---|---|
| Coordination of Teaching Study Skills | | 2.26<br>2.02-2.55 | 2.35<br>1.80-2.60 | +.09 |
| Behavior Management | | 2.23<br>2.02-.255 | 2.30<br>2.00-2.40 | +.07 |
| Use of Computers for Instruction | | 2.14<br>2.08-2.25 | 2.09<br>1.33-2.40 | -.05 |
| Selection/Development Use of Curriculum | | 2.11<br>1.97-2.29 | 2.00<br>1.60-2.20 | -.11 |
| Instructional Procecures for Special Education Student | | 2.09<br>1.72-2.48 | 1.91<br>1.00-2.40 | -.18 |
| Teaching Social Skills | | 2.03<br>1.89-2.33 | 2.22<br>1.33-3.00 | +.19 |
| Ongoing Student Performance Evaluation | | 2.01<br>1.77-2.33 | 1.68<br>1.00-2.25 | -.33 |
| Coordination of IEP Between Special and Regular Education | | 1.99<br>1.69-2.20 | 1.83<br>1.33-2.20 | -.16 |
| Knowledge of Different Handicapping Conditions | | 1.96<br>1.65-2.14 | 2.00<br>1.00-2.60 | +.04 |
| Meeting SLO's for Special Education Student | | 1.85<br>1.57-2.26 | 1.61<br>1.00-2.20 | -.24 |
| Knowledge of Special Education Curriculum | | 1.79<br>1.55-2.13 | 1.61<br>1.00-2.40 | -.18 |
| Consultation with Administration and Special Education Staff | | 1.67<br>1.43-2.00 | 1.61<br>1.00-2.00 | -.06 |

## TABLE 12

## INSERVICE TRAINING NEEDS ASSESSMENT
## COMPARISON OF RESULTS FOR SPRING 1984, FALL 1984, AND FALL 1985

### SPECIAL EDUCATION DIRECTORS

| ITEM | Spring 84 | | Fall 84 | | Change in Mean | Fall 85 | | Change in Mean |
|---|---|---|---|---|---|---|---|---|
| | MEAN | RANGE | MEAN | RANGE | | MEAN | RANGE | |
| Coordination of Reg. & Spec. Ed. | 2.45 | 2.15-3.00 | 2.36 | 2.06-2.73 | -.09 | 2.73 | 2.00-3.00 | +.37 |
| Programming for Behavior Disorders | 2.45 | 2.14-2.83 | 2.28 | 2.07-2.67 | -.17 | 2.82 | 2.50-3.00 | +.56 |
| Research on Elements of Effective Instruction | 2.21 | 1.50-2.53 | 2.28 | 2.00-2.50 | +.07 | 2.30 | 1.00-3.00 | +.02 |
| Alternative Placement of Low Functioning Students | 2.18 | 1.85-3.00 | 2.28 | 1.76-2.65 | +.10 | 2.45 | 1.00-3.00 | +.17 |
| Vocational Programming | 2.23 | 1.84-3.00 | 2.17 | 1.79-2.73 | -.06 | 2.36 | 1.50-3.00 | +.19 |
| Program Evaluation | 2.17 | 1.84-3.00 | 2.16 | 1.81-2.50 | -.01 | 2.45 | 2.00-3.00 | +.29 |
| Computer Data Management | 2.19 | 1.50-2.50 | 2.16 | 1.75-2.43 | -.13 | 1.82 | 1.00-3.00 | -.34 |
| Curriculum Planning PK-12 | 2.22 | 1.83-2.42 | 2.15 | 1.60-2.33 | -.07 | 2.18 | 1.00-3.00 | +.03 |
| Effecting Educational Change | 2.18 | 2.07-2.50 | 2.11 | 1.80-2.40 | -.07 | 2.30 | 1.00-3.00 | +.19 |
| Instructional Procedures in Spec. Ed. | 1.97 | 1.40-2.42 | 2.08 | 1.60-2.27 | +.11 | 2.10 | 1.50-3.00 | +.02 |
| Consultation Skills with Teachers | 2.02 | 1.75-2.23 | 2.06 | 1.83-2.36 | +.04 | 2.27 | 1.00-3.00 | +.19 |
| Computer Use as Instructional Assistance | 2.10 | 2.00-2.50 | 1.97 | 1.73-2.20 | -.13 | 1.91 | 1.00-3.00 | -.06 |

## TABLE 13

## INSERVICE TRAINING NEEDS ASSESSMENT
## COMPARISON OF RESULTS FOR SPRING 1984, FALL 1984, AND FALL 1985

### SCHOOL PRINCIPALS

| ITEM | Spring 84 MEAN<br>RANGE | Fall 84 MEAN<br>RANGE | Change in Mean | Fall 85 MEAN<br>RANGE | Change in Mean |
|---|---|---|---|---|---|
| Coordinating Regular and Special Education | 2.15<br>2.03-2.50 | 2.22<br>2.13-2.29 | +.07 | 2.29<br>1.25-2.75 | +.07 |
| Programming for Behavior Disorders | 2.29<br>2.10-2.50 | 2.15<br>2.03-2.41 | -.14 | 2.26<br>1.50-2.75 | +.11 |
| Classroom Observation Techniques | 2.19<br>2.07-2.50 | 2.14<br>1.88-2.38 | -.05 | 1.94<br>1.33-2.50 | -.20 |
| Curriculum Based Assessment | 2.17<br>2.06-2.43 | 2.12<br>2.00-2.26 | -.05 | 1.65<br>1.00-2.33 | -.47 |
| Curriculum Adaptation | 2.17<br>2.00-2.37 | 2.09<br>1.82-2.23 | -.08 | 2.12<br>1.33-3.00 | +.03 |
| Student Evaluation | 1.98<br>1.62-2.21 | 2.04<br>1.63-2.26 | +.06 | 1.59<br>1.00-2.33 | -.45 |
| Disabled Child Needs | 2.01<br>1.70-2.36 | 2.01<br>1.75-2.22 | .00 | 1.88<br>1.50-2.50 | -.13 |
| Stress Management | 2.16<br>1.90-2.50 | 1.99<br>1.78-2.25 | -.17 | 2.24<br>1.25-2.75 | +.25 |
| Special Education Instructional Procedures | 1.90<br>1.71-2.07 | 1.99<br>1.57-2.29 | +.09 | 1.76<br>1.25-2.00 | -.23 |
| Staff Burnout | 2.05<br>1.80-2.31 | 1.94<br>1.75-2.13 | -.11 | 2.35<br>1.00-3.00 | +.41 |
| Parent Involvement | 2.00<br>1.62-2.27 | 1.92<br>1.50-2.13 | -.08 | 1.88<br>1.50-2.25 | -.04 |
| Attitude of Regular Staff Toward Special Education | 1.93<br>1.20-2.25 | 1.82<br>1.44-2.00 | -.11 | 2.24<br>1.50-3.00 | +.42 |

## TABLE 14

## INSERVICE TRAINING NEEDS ASSESSMENT
## COMPARISON OF RESULTS FOR SPRING 1984, FALL 1984, AND FALL 1985

### OT/PT

| ITEM | Spring 84 | | Fall 84 | | Change in Mean | Fall 85 | | Change in Mean |
|---|---|---|---|---|---|---|---|---|
| | MEAN | RANGE | MEAN | RANGE | | MEAN | RANGE | |
| Adaptive Technology | 2.54 | 2.23-3.00 | 2.37 | 1.80-3.00 | -.17 | 2.38 | 2.00-3.00 | +.01 |
| Motor Assessment for Severely Involved | 1.97 | 1.50-3.00 | 2.24 | 1.75-2.67 | +.27 | 1.92 | 2.00-2.67 | -.32 |
| Programming for Severely Involved | 2.13 | 1.57-2.62 | 2.20 | 1.40-3.00 | +.07 | 1.92 | 1.33-3.00 | -.28 |
| Perceptual Research Update | 2.25 | 1.62-2.71 | 2.16 | 1.67-3.00 | -.09 | 2.08 | 1.67-3.00 | -.08 |
| Educational Significance of Physical Problems | 2.20 | 1.66-2.50 | 2.12 | 2.00-3.00 | -.08 | 2.31 | 2.00-3.00 | +.19 |
| Programming for Preschool | 2.01 | 1.50-2.50 | 1.94 | 1.40-2.22 | -.07 | 1.77 | 2.00-2.33 | -.17 |
| Methods of Measuring Student Progress | 2.00 | 1.66-2.50 | 1.90 | 1.25-2.13 | -.10 | 1.92 | 1.67-3.00 | +.02 |
| Consulting Skills with Teachers | 2.01 | 1.50-2.25 | 1.90 | 1.00-2.60 | -.11 | 2.15 | 1.67-3.00 | +.25 |
| Knowledge of Laws Effective Special Education | 1.88 | 1.33-2.50 | 1.88 | 1.00-2.50 | .00 | 2.08 | 1.00-2.00 | +.20 |
| Programming for Secondary | 1.92 | 1.66-3.00 | 1.86 | 1.00-2.25 | -.06 | 1.46 | 2.00-3.00 | -.40 |
| Motor Assessment for Preschool | 1.75 | 1.33-2.12 | 1.84 | 1.25-2.10 | +.09 | 1.67 | 1.67-2.33 | -.17 |
| Management Strategies | 1.98 | 1.83-2.11 | 1.67 | 1.20-2.40 | -.31 | 2.00 | 2.00-2.33 | +.33 |

## TABLE 15

## INSERVICE TRAINING NEEDS ASSESSMENT
## COMPARISON OF RESULTS FOR SPRING 1984, FALL 1984, AND FALL 1985

### SCHOOL PSYCHOLOGISTS

| ITEM | Spring 84 MEAN / RANGE | Fall 84 MEAN / RANGE | Change in Mean | Fall 85 MEAN / RANGE | Change in Mean |
|---|---|---|---|---|---|
| Update on BD Programming | 2.27<br>2.00-2.54 | 2.25<br>1.83-2.59 | -.02 | 2.28<br>1.75-3.00 | +.03 |
| Distinguishing Disciplinary Problems from Behavior Disabilities | 2.21<br>1.80-2.34 | 2.25<br>1.71-2.65 | +.04 | 2.23<br>2.00-2.50 | -.02 |
| Update on Adaptive Behavior Testing | 2.33<br>2.00-2.55 | 2.22<br>1.67-2.55 | -.11 | 1.81<br>1.67-3.00 | -.41 |
| Social Skills Training | 2.16<br>2.00-2.42 | 1.96<br>1.57-2.44 | -.20 | 2.08<br>1.25-2.50 | +.12 |
| Update on Preschool Testing | 2.05<br>1.76-2.42 | 1.94<br>1.63-2.25 | -.11 | 1.88<br>1.50-3.00 | -.06 |
| Classroom Management Techniques | 2.02<br>1.40-2.40 | 1.93<br>1.43-2.25 | -.09 | 2.04<br>2.00-2.67 | +.11 |
| Testing for Educational Planning | 1.89<br>1.66-2.15 | 1.91<br>1.65-2.25 | +.02 | 1.85<br>1.50-3.00 | -.06 |
| Consulting Skills/ Models | 1.98<br>1.50-2.54 | 1.91<br>1.33-2.50 | -.07 | 2.04<br>1.25-3.00 | +.13 |
| Curriculum/Classroom Based Assessment | 1.98<br>1.69-2.40 | 1.90<br>1.71-2.33 | -.08 | 2.08<br>1.25-2.00 | +.18 |
| Data Management | 1.98<br>1.57-2.50 | 1.86<br>1.29-2.08 | -.12 | 1.58<br>1.50-3.00 | -0.28 |
| Cross Cultural Assessment | 1.81<br>1.52-2.27 | 1.81<br>1.46-2.43 | .00 | 1.65<br>1.50-2.33 | -.16 |
| Special Education Curriculum | 1.89<br>1.50-2.40 | 1.74<br>1.50-2.11 | -.15 | 1.62<br>1.25-2.00 | -.12 |

## TABLE 16

## INSERVICE TRAINING NEEDS ASSESSMENT
## COMPARISON OF RESULTS FOR SPRING 1984, FALL 1984, AND FALL 1985

### CDS

| ITEM | Spring 84 MEAN / RANGE | Fall 84 MEAN / RANGE | Change in Mean | Fall 85 MEAN / RANGE | Change in Mean |
|---|---|---|---|---|---|
| Communication Assessment for Preschool | 2.09<br>1.66-2.77 | 2.27<br>2.00-2.50 | +.18 | 2.39<br>1.33-3.00 | +.12 |
| Programming for Preschool | 2.12<br>1.92-2.50 | 2.17<br>2.00-2.55 | +.05 | 2.22<br>1.33-3.00 | +.05 |
| Communication Assessment for Severely Involved | 2.06<br>1.83-2.30 | 2.10<br>1.80-2.36 | +.04 | 2.39<br>1.00-3.00 | +.29 |
| Use of Intervention Units | 2.00<br>1.70-2.60 | 2.04<br>1.67-2.38 | +.04 | 2.13<br>1.67-2.50 | +.09 |
| Parent Involvement | 2.25<br>1.83-2.46 | 2.01<br>1.63-2.40 | -.24 | 2.00<br>1.00-3.00 | -.01 |
| Programming for Severely Involved | 1.97<br>1.60-2.40 | 1.95<br>1.60-2.18 | -.02 | 2.50<br>2.00-3.00 | +.55 |
| Computer Report Writing | 2.00<br>1.63-2.60 | 1.94<br>1.40-2.50 | -.06 | 2.28<br>1.00-2.67 | +.34 |
| Consulting Skills with Teachers | 2.16<br>2.00-2.66 | 1.89<br>1.68-2.20 | -.27 | 1.78<br>1.00-2.67 | -.11 |
| Programming for Secondary | 1.93<br>1.66-2.50 | 1.89<br>1.40-2.50 | -.04 | 2.06<br>1.50-3.00 | +.17 |
| Methods of Measuring Student Progress | 1.80<br>1.16-1.92 | 1.86<br>1.70-2.00 | +.06 | 1.61<br>1.00-2.00 | -.25 |
| Consulting Skills with Others | 2.15<br>1.63-2.50 | 1.85<br>1.40-2.13 | -.30 | 2.00<br>1.00-2.67 | +.15 |
| Use of Aides | 1.84<br>1.50-2.15 | 1.81<br>1.60-2.10 | -.03 | 2.06<br>1.00-3.00 | +.25 |

# APPENDIX C

## NONPUBLIC SCHOOL/AGENCY APPROVAL PROCESS

# PURPOSE

The purpose of the nonpublic school/agency approval process is to:

1. Provide school districts with an alternative approval placement for a handicapped student when the district cannot provide an appropriate educational placement within the school district or in another school district (instate and/or out-of-state alternatives).

2. Assure compliance with state and federal rules and regulations by both the school district and the nonpublic school/agency.

## NONPUBLIC SCHOOL/AGENCY MONITORING SCHEDULE

| WHO | TYPE OF MONITORING/PROGRAM REVIEW | WHEN |
|---|---|---|
| SPI/ESD/Endorsing LEA/Additional LEA | Initial application and program review monitoring (to be conducted at time of NPA request for application). | At time of initial application submissi by NPA, at least ever three years thereafte |
| LEA | Program review monitoring (must be conducted by all school districts wishing to contract NPA services), | Annually or as servic are needed. |
| SPI/ESD | State Special Education Program monitoring. The NPA is monitored as contracting school district is monitored for compliance with WAC and PL 94-142 regulations. | In accordance with state monitoring schedule. |

# INSTATE NONPUBLIC AGENCIES
# APPLICATION/MONITORING PROCESS
# ESD/SPI/ENDORSING LEA RESPONSIBILITIES

1. LEA sends nonpublic agency application packet to NPA with which it desires to contract services.

2. NPA completes application packet and mails completed packet to LEA Director of Special Education.

   a) Letter of transmittal completed, signed and dated by director of NPA.

3. Upon receipt of NPA application packet from the identified NPA, the sponsoring LEA forwards the application to their region's ESD Director of Special Education.

   a) LEA reviews application for completeness of content before mailing to ESD (i.e., application contents fully completed, fire/health and safety forms completed, letter of transmittal signed by director of NPA.

4. ESD reviews application components (in-house review) for completeness of application and for NPA documentation of required data elements (e.g., fire/health inspection, certifications, number and types of handicapped served, etc.).

5. ESD contacts NPA, LEA and SPI to schedule an onsite monitoring of the NPA per application requirements and program review monitoring requirements.

   a) ESD notifies SPI of scheduled monitoring date. SPI forwards letter notifying NPA of onsite monitoring visit.

   b) SPI will check with the Private Education Section to see if requesting NPA has sought approval as a private school. If the NPA has been approved as a private school, documentation supplied for this approval will be utilized in the conduct of the onsite application and program review monitoring.

   c) If other LEAs or Cooperative in addition to the sponsoring LEA have indicated that they would like to contract the services of the identified NPA then these additional LEAs will be requested to have at least one representative at the scheduled monitoring visit.

6. ESD, SPI, Sponsoring LEA and other identified LEAs conduct onsite monitoring of applicant NPA.

   a) Onsite monitoring of application requirements and program review monitoring requirements will occur at the time of initial application and at least every three years thereafter.

   b) Please refer to application and program review monitoring procedures and forms.

7. Process exceptions.

   a) Endorsement/Certification: In monitoring any NPA the LEA may request an exception to qualifications per the requirements of WAC 392-171-701. For agencies which use non-State Board of Education certified personnel (e.g., vocational personnel, preschool personnel with other certifications, licenses, etc.) exceptions must be requested from SPI.

   b) Fire, Health and Safety: Where program services are not provided in a centralized physical facility (e.g., home based preschool program) a letter requesting a waiver of the health and safety requirements must be submitted by the NPA to SPI. The letter shall describe the service delivery model to be used, locations where services are to be provided, an assurance statement that no services are provided in a centralized facility and signed by the NPA director.

8. On completion of the NPA monitoring procedures the ESD submits to SPI an approved or disapproved NPA application.

   a) If approved the ESD will submit to SPI the approved application packet and program review results with a signed letter of transmittal stating approval. The letter of transmittal from the ESD is to be signed by the ESD superintendent or his designee.

   b) Application sent to SPI should include:

      - letter of transmittal from the endorsing LEA;
      - letter(s) of transmittal from additional LEAs wishing to contract services at the time of initial approval of the NPA;
      - letter of transmittal from the ESD;
      - NPA application;
      - program review report and completed monitoring report/forms.

   c) Carbon copy of monitoring report to be sent to NPA with items of technical assistance where appropriate.

   d) If disapproved, the ESD will submit to SPI the disapproved application. The disapproved application should include:

      - letter of transmittal from ESD indicating reasons for disapproval of the NPA;
      - NPA application and program review monitoring results/forms.

   e) If the ESD determines that an NPA can remediate the provisions of the corrective action plan within 30 days, with technical assistance from the ESD, then the ESD should not send the application to SPI but wait until the NPA can comply with the corrective action plan. Upon compliance the ESD then sends the approved application to SPI per the stipulated procedures.

9. SPI, upon receipt of ESD review and monitoring results, will process the application.

   a) If an approved application, process for State Board of Education approval.

b) If a disapproved application:

- SPI will forward a letter of findings to the NPA, cc: ESD, sponsoring LEA and other LEAs if appropriate;
- Report to include:
  * corrective actions required to become compliant;
  * copy of monitoring report;
  * give NPA 30 days to correct/submit corrective action plan to SPI, cc: to sponsoring LEA and ESD. Technical assistance can be provided upon request from the NPA.

NOTE: CONSISTENT WITH WAC, NO STUDENT SHALL BE PLACED IN A NONPUBLIC AGENCY UNTIL THE STATE BOARD OF EDUCATION HAS GRANTED APPROVAL.

c) Upon receipt of the corrective action plan from the NPA, SPI will have 30 days to evaluate the plan or corrections made.

- If approved by ESD/SPI, the application is to be submitted to the SBE at their next scheduled meeting date;
  * ESD must sign and submit to SPI a letter of transmittal indicating approval of NPA program/application;
  * If continued disapproval (after 60 day timeline), the corrective action plan remains in effect until corrections are made by the NPA or NPA application is requested to be withdrawn from the approval process.

10. Upon approval by the SBE of any NPA application:

a) The NPA is to be notified in writing that it has been approved to provide services to handicapped children per individual contracts with school districts. The approval and application to be good September 1 through August 31 of the year for which the NPA is approved.

11. This procedure is repeated annually for each NPA wishing to submit an application for approval to the State Board of Education.

12. The NPA must maintain all approved application requirements throughout the year for which it is approved. The NPA is reqired to notify the endorsing LEA and the ESD if application requirements are no longer met.

If an LEA finds that an NPA no longer meets approval requirements at any time, the NPA will be remonitored by the ESD/SPI/LEA for compliance with application requirements.

a) The NPA is to be notified in writing that it has been approved to provide services to handicapped children per individual contracts with school districts. The approval and application to be good September 1 through August 31 of the year for which the NPA is approved.

## NPA PROGRAM REVIEW PROCEDURES (LEA RESPONSIBILITIES)

There are two different forms of LEA program review monitoring which can transpire:

Form I: The sponsoring LEA must participate in the initial application and program review monitoring with the ESD, SPI and other LEAs when the NPA initially requests approval;

Form II: Prior to additional student placements by any LEA, the LEA must conduct an individual program review monitoring of the NPA even though the NPA has been monitored by the ESD/SPI/Sponsoring LEA and approved by the State Board of Education.

In either case, the LEA is responsible for the conduction of the program review monitoring phase of the approval process.

****Each LEA wishing to contract with an NPA must conduct a program review monitoring of the agency with which it wishes to contract regardless of when the LEA wishes to contract with the agency for services.

## PROCEDURES

1. Any school district wishing to contract with an approved NPA must:

   a) Document continued NPA compliance with the following initial application requirements. This procedure is to be used by those LEAs who wish to contract for services with the NPA after it has received approval by the State Board of Education.

      - Staff qualifications (certification)
      - Physical facilities
      - Fire/health and safety
      - Program offerings

The LEA reviewing the NPA program will need to request from the ESD director of special education a copy of the original application monitoring forms (list of teachers and personnel, certification of local health and safety, certification of fire regulation compliance) and verification of program standard consistency form before conducting the program review.

Refer to LEA program review monitoring forms for a copy of the program verification form.

   b) Perform a site visit of the NPA. During the site visit the following program review monitoring components shall be completed:

      1. Documentation of NPA personnel involvement in the IEP process;

      2) Program visitation. Program observation is to be conducted for the purpose of verifying program quality and appropriateness for student placement.

The conduction of this program review should be performed at the time, and as part of the process for placing a student in the NPA program.

The team which conducts this program review monitoring should be comprised of school district personnel with authority to make programmatic decisions (i.e., at least one member with director of special education designated authority).

c) Upon completion of the program review procedures the school district must submit to the appropriate ESD the program review report.

   1) The letter of transmittal (face sheet) attached to the program review packet should be completed and forwarded to the ESD director of special education.

   2) The ESD director of special education will review the program monitoring packet for completeness and for verification of documentation of NPA consistency of program standards. This latter step to be accomplished by the ESD by comparing the initial application contents with the items further documented by the LEA.

d) The school district on completion of the program review (given that the program review documented NPA continued compliance) can then enter into a contractual agreement with the NPA. This contract should be signed by the superintendent of the LEA and/or his designee and forwarded to the ESD as part of the program review packet, or separately if written at a later date.

e) If a school district does not find the NPA program appropriate based on its program review monitoring findings, then the district may elect to negotiate the IEP process with the NPA to acquire an appropriate program for the identified handicapped student, or it may elect not to utilize the services of the NPA.

****It is important to note that if the NPA does not pass the program consistency monitoring/documentation, or if the LEA discovers that the NPA no longer meets application approval then the NPA will be remonitored by the ESD/SPI/Sponsoring Agency for application requirements/compliance. In this case, the procedures used for initially monitoring the NPA will be employed.

f) This program review phase of NPA approval must be conducted for each student being considered for placement by the school district.

2. A school district wishing to contract with an NPA must document (see "Alternative Program Considerations Letter" in program review packet) that it has considered and identified appropriate alternative placements for the student in their district and/or other school districts instate for children per individual contracts with school districts. The approval and application to be good September 1 through August 31 of the year for which the NPA is approved.

# APPENDIX D

## DSHS/OSPI
## INTERAGENCY AGREEMENT

Contract No. 2400-39661

# INTERAGENCY
# AGREEMENT
# BETWEEN

# STATE OF WASHINGTON
# DEPARTMENT OF SOCIAL AND HEALTH SERVICES

# AND

# OFFICE OF THE SUPERINTENDENT
# OF PUBLIC INSTRUCTION

This interagency agreement, under RCW 39.34, between the Department of Social and Health Services, through the Division of Developmental Disabilities (hereinafter referred to as DDD) and the Office of the Superintendent of Public Instruction (hereinafter referred to as OSPI) defines which agency has primary responsibility for services to children and youth with handicapping conditions.

Respective responsibilities are: (1) Delivery of special education and related services to the common school age population is the function of local education agencies (LEA) over which OSPI exercises general supervision. (2) School districts may receive state and federal funds for approved preschool programs serving handicapped children, ages 0 to 5, eligible under WAC 392-171-381. The federal government, through the Preschool Incentive Grant under Public Law 94-142, also awards funds to the state of Washington to provide special education and related services to handicapped children ages 3 through 5 years. (3) Major responsibility for services under WAC 275-27 for developmentally disabled infants, ages 0 through 2 years, and continued training for developmentally disabled adults who have completed the school year during which they reach age 22, is the responsibility of DDD.

## General Responsibilities

1.1 DDD general responsibilities are to:

- Provide LEA with a packet of materials explaining eligibility, application process, and services available from DDD.
- Will participate upon request in Individual Educational Plan (IEP) process, exchange service plans, participate in joint service planning with LEA personnel.
- Provide upon request training for school personnel on eligibility criteria, application process, and availability of local programs.
- Identify liaison person at central and regional office(s).

1.2 OSPI general responsibilities through cooperating LEAs are to:

- Distribute DDD prepared packets to all 18 year olds who appear to be potentially eligible for DDD services and to notify their parents.
- Request with 30 day notice, IEP participation by DDD case manager.
- Encourage each LEA to seek training provided by DDD.
- Identify liaison person at OSPI and each LEA.

2. 0 through 2 years

2.1 The Division of Developmental Disabilities shall be the agency responsible for providing early intervention and developmental programs through a combination of home-based and center-based service.

2.2 OSPI school districts may provide special education and related services in accordance with WAC 392-171-325(3) to handicapped students in the 0 through 2 age group.

3. 3 & 4 Year Old

3.1 OSPI, through LEAs, will be the agency responsible for providing services to 3 and 4 old developmentally handicapped children, in accordance with WAC 392-171-325(2) and 381.

3.2 DDD will refer to serving LEAs the names of those children who will be three prior to the district's enrollment cut off date. Referral packets will include a signed release form and appropriate data.

3.3 OSPI will provide LEAs with information, technical assistance, and consultation in an effort to establish and/or expand preschool programs to include children previously served by the Division of Developmental Disabilities.

3.4 School districts have the option of developing contractual agreements with Early Childhood Developmental Centers or other appropriate agencies if this option is in the best interest of the children involved, and if Early Childhood Developmental Centers meet criteria pursuant to WAC 392-171-605, 610, 615 for approved contract services. These contractual agreements allow OSPI to provide funds to school districts for services from Early Childhood Developmental Centers for developmentally disabled children, ages 3 and 4, who are eligible under Chapter 392-171 WAC. In this manner, those children who continue to receive services from the centers while the funding responsiblities would be transferred to OSPI.

3.5 DDD will continue to fund on a case by case basis until the next school year, those children who reach their third birthday after the school district enrollment cut off date.

3.6 DSHS will continue to provide case management and other services needed by the individual or family which are not the responsibility of OSPI. Special services such as home aid resources and residential services are required because of the family situation. Services during the summer months may be provided by DDD. Special education and related services which are necessary for the attainment of the educational goals listed in the Individualized Education Program (IEP) will be the responsibility of local school districts.

4. 5 to 21 years

4.1 Chapter 392-171 WAC defines common school age for handicapped children as being four years of age commencing with the 1984-85 school year and three years beginning with the 1985-86 school year through age 21. School districts have the responsibility for special education and related services for this age group.

4.2 To facilitate transition of 21 year olds into DSHS funded adult programs, DSHS will provide LEA each year with a list of DDD clients who will turn 18 during the school year. LEAs will distribute information packets to potentially eligible students who are not DDD clients so that the student/family can make application for DDD services.

4.3 For all DDD clients with 30 days notice from the LEA, the DDD case manager will participate with the IEP team and the family to develop an Individualized Transition Plan (ITP).

4.4 OSPI may contract with adult programs provided through DDD County Services or other appropriate program/agency for students 18-21 where other appropriate LEA programs are not available.

4.5 Exceptions to the policies of this agreement may be granted by the appropriate authority of the respective agency.

4.6 This agreement may be terminated by either party, at any time, with or without reason, upon written notification to either party. The notice shall specify the date of termination.

5. Non-discrimination

During the performance of this Agreement, both parties agree to comply with the terms of the following non-discrimination provision, as well as, the federal and state laws and regulations governing equal employment opportunity.

No person shall on the grounds of race, creed, color, religion, sex, marital status, national origin, age, sensory, mental or physical handicap, or political affiliation be discriminated against or denied employment as a participant or staff person in connection with any program under this Agreement, provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular work involved.

In the event that one of the parties hereto refuses to comply with the above provision, this contract may be cancelled, terminated or suspended in whole or part by the other party.

6. Exceptions to the policies of this agreement may be granted by the appropriate authority of the respective agency.

7. This agreement may be terminated by either party, at any time, with or without reason, upon written notification to either party. The notice shall specify the date of termination.

Dated the ________________________ day of ______________________, 1984

For the Department of Social and Health Services

Raymond M. Ryan

Raymond M. Ryan, Deputy Secretary
Department of Social and Health Services

J. T. Lengenfelder

James T. Lengenfelder, Director
Department of Social and Health Services
Division of Developmental Disabilities

For the Office of the Superintendent of Public Instruction

Frank B. Brouillet

Dr. Frank B. Brouillet
Superintendent of Public Instruction

THIS DOCUMENT HAS BEEN
APPROVED AS TO FORM BY
THE ASSISTANT ATTORNEY GENERAL

# APPENDIX E

## DSHS/OSPI
## INSTITUTIONAL
## INTERAGENCY AGREEMENT

STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

Harlan P. McNutt, MD, MPH, Secretary

## STATEMENT OF ASSURANCE OF COMPLIANCE WITH P.L. 94-142 EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

The Department of Social and Health Services for the State of Washington hereby certifies that the information contained herein is accurate to the best of our knowledge and understanding and that the department is bound to the assurances and provisions contained within this document in order to be in compliance with Public Law 94-142, Education For All Handicapped Children Act. Each state operated institution, school and community based provider agency providing educational services to children on behalf of DSHS will assure the following:

### 121a.220 Child Identification

Cooperation with the local education agency in its effort to determine all children within its region of responsibility who are in need of special education services. The department will have the responsibility of notifying school districts of any child who is deemed eligible and enrolled for services who also is suspected of needing special education services.

### 212a.221 Confidentiality of Personally Identifiable Information

#### A. Access Rights

1. Permit parental inspection (parent includes natural or foster parent, state appointed guardian, and surrogate parents) and review not later than 45 days after a request has been made by the parent to review personal identification data.

2. Provide any parent requesting so a reasonable lay interpretation and explanation of information.

3. Copies of any social information: The Department of Social and Health Services reserves the right to research the authority of any claim such as those for guardianship, separation and divorce.

#### B. Regards of Access

1. Maintain a record of all individuals obtaining access to this information (except for parents and authorized officials) including names, dates, and purposes of the information.

#### C. Record on More Than One Child

If records of more than one child are included on a single report, parents will be given only access to information on their child.

D. Lists of Types and Locations of Information

When requested by parents, lists will be provided of the types and locations of information used, maintained, and collected by the agency.

E. Fees

There may be a fee of 15 cents a page per copy of records requested by parents.

F. Amendment of Records at Parent's Request

If the parents believe that the information in a student's record is inaccurate, misleading, or in violation of the privacy or other rights of the student, the parent may request in writing a meeting with the administrator of the institution, school, or community based provider agency for the purpose of amending the student's record. The local administrator will decide whether to amend the record within a reasonable time of receipt of the request. Every effort will be made to settle disputes informally regarding the contents of the student record. If the local administrator decides not to amend the record, he shall so notify the parents and advise them of their right to a hearing.

G. Opportunity for a Fair Hearing

The parents and/or student feeling himself aggrieved by the decision of the department or any authorized agency of the department shall have the right to a fair hearing to be conducted by the secretary of the department or by a duly appointed, qualified and acting supervisor thereof, or by an examiner especially appointed by the director for such purpose.

Any appellant who desires a fair hearing shall within thirty days after receiving notice of the decision of the department or an authorized agency of the department, file with the secretary a notice of appeal from the decision. The department shall notify the appellant of the time and place of said hearing at least twenty days prior to the date thereof by registered mail or by personal service upon said appellant, unless otherwise agreed by appellant and the department.

H. Results of Hearings

If, as a result of the hearing, the information is found to be inaccurate, misleading, or in violation of the privacy or other rights of the student, the administrator shall amend the records accordingly and so inform the parents in writing. If the determination made after the hearing is unsatisfactory to the parents, the parents shall have a right to insert into the challenged record a written explanation regarding the content of such records.

I. Consent

Will obtain parental consent before any personally identifiable data is:

1. Disclosed to anyone other than officials of the department or its contractor of educational services.

2. Used for any purpose other than specified under this part of the law or other requirements of the Family Education Rights and Privacy Act of 1975.

J. Safeguards

1. Will protect all information at the collection, storage disclosure, and destruction stages.

2. Will have on file their exact process and procedures for the above. This information shall be available to parents upon written request and shall include the name of the individual responsible for assuring confidentiality.

3. Shall purge unnecessary educational student records within five years after the information is no longer needed to provide educational services to children. There may be maintained a list or permanent record of students including:

    a. Student name
    b. Student address
    c. Phone number
    d. Years in attendance
    e. Attendance record
    f. Type of program child received
    g. Place of birth
    h. Height and weight

    Will make a responsible effort to notify parents of their rights to a copy of the information collected and maintained prior to the destruction of said data with a mailing to the last known address.

121a.222 Full Educational Opportunity Goal

Each child for which the Department of Social and Health Services has educational responsibility, shall receive a school program based on a comparable age level school day in public schools. Exceptions will only be through medical or behavioral assessments that determine less than a full program is required for his/her own or others physical safety or determination with notification to OSPI that an educational program of benefit for the child cannot be provided. Review of these exceptions shall be made monthly.

## 121a.223 Facilities, Personnel and Services

A. Facilities in state operated programs for educational services include the following projected building improvement programs as reflected in the current Capital Programs request and/or the Bureau of Developmental Disabilities Master Plan.

1. Fircrest School: New Training, Instruction and Administration Building
2. Frances Haddon Morgan Childrens Center: Educational/Multi-Purpose Building
3. Rainier School: ______________________
4. Yakima Valley School: New Program/Activities Center and Renovated Training Area
5. Interlake School: New Education/Therapy Building
6. Lakeland Village: New Habilitation Facility
7. School for the Blind: ______________________
8. School for the Deaf: ______________________
9. Community Based Provider Agencies: ______________________
10. Child Study and Treatment Center: Remodel and Expand School Facilities

B. Personnel and Services Reuqirements

Current staffing levels are adequate to provide full services to all students with a few exceptions. To cover the underserved needs, three plans or combinations will be considered:

1. Due to a reducing population in many institutions, staff assignments will be changed or replacement staff will be hired who have specific skills to meet the underserved needs.
2. Additional staff will be requested of the State Legislature.
3. Reprioritizing of P.L. 89-313 funds.

## 121a.224 Personnel Development

All educational programs operated by DSHS meet the OSPI standards for curriculum and staff requirements. In addition, the DSHS will be an active partner in the Washington State Special Education Cooperative Manpower Plan and will actively participate in the major components of the program.

In addition, the state institution and community based provider agencies will continue the development and training resulting from the Washington Cooperative Curriculum Development project for severely and profoundly handicapped children.

121a.225 **Priorities**

No child shall be denied services unless it is determined through a medical behavioral assessment that such services threaten the life and safety of the individual child or others.

121a.226 **Parent Involvement**

The following will be the minimum involvement of parents of handicapped persons for whom the department is responsible:

1. Parent participation, consultation, and understanding of their child's initial individual education plan (IEP).
2. Parent agreement to their child's initial individual education plan (IEP) or right to appeal the plan.
3. At least one yearly goal and IEP review with school personnel.
4. Parent inclusion if goal or goals change during the school year.
5. Pupil educational records are available for information.

121a.227 **Participation in Regular Education Program**

Placement of pupils in state operated facilities is made for reasons other than the need for an educational program. The unique nature of the handicapping condition is the usual reason for admission which requires more intensive care or habilitation than can be provided at the local level.

It is further the responsibility of the department to seek all other community placement options before any child is placed in a state-operated institution. Assurance is therefore given that:

1. Every effort will be made by this agency to maximize the community placement of all handicapped children.
2. The review of a child's institutional palcement will be made at least annually.
3. Upon placement from an institution or state-operated school, every effort will be made to place the child back in his own local community.
4. Every child receiving educational services in a state-operated institution, school, or community based provider agency will be placed and programmed in the least restrictive class placement as deemed appropriate in order to maximize his opportunity to relate to society. Efforts to achieve this may include:

a. Community work experience
b. Local school district placement
c. Community field trips
d. Community involvement on campus with the pupils

### 121a.228 Public Control of Funds

The Department of Social and Health Services, a public agency, hereby certifies that the representation meets our own annual ESEA Title I, P.L. 89-313 application and properly reflects the projected pupils, personnel, and expenditures to be incurred in the operation of the special education program operated in the state institutions, schools, and community based provider agencies; that the expenditures for services and goals will be made exclusively for the benefit of pupils which are enrolled in these facilities; that the expenditures will not be reimbursed from any other sources; and that personnel assignments and other documentation of expenses will be readily available for audit. We further assure that any equipment acquired with these funds will be administered by the Department of Social and Health Services in accordance with ESEA Title I, P.L. 89-313, as amended by P.L. 93-380.

### 121a.229 Excess Cost

The Department of Social and Health Services assures that the use of P.L. 89-313 funds will supplement state supported educational activities. The determination of supplant will be calculated by a comparison of state per pupil cost as compared to federal per pupil costs as required under Title I, P.L. 89-313.

### 121a.230 Nonsupplanting

Assurance of nonsupplanting is given under 121a.229 Excess Cost.

### 121a.231 Comparable Services

Assurance is hereby made that all programs are equal to or exceed both in materials, supplies, equipment, staff ratio, and facilities, comparable programs and/or personnel within the public school districts. In cases where facilities are less than comparable item 121a.233 and 121a.231 describes our plan and time frame to make these corrections.

### 121a.232 Information/Reports

The Department of Social and Health Services assures that records containing information related to handicapping conditions, program placement, goals, and objectives are kept on each pupil. We further assure that they are measurable and do describe areas of pupil growth and performance. We further assure all such records are available to OSPI and federal auditors, as well as our own internal audit control.

### 121a.233 Records

The Department of Social and Health Services assures access to all required pupil records to the OSPI as are necessary for that agency to perform its responsibility under their part.

### 121a.234 Public Participation

The Department of Social and Health Serivces will make all documents as required available for public inspection. Such documents will be available through the office of the Chief Administrators of the institutions, schools, community based provider agencies, or the contracted educational agencies (local school districts in the case of state-operated institutions).

### 121a.235 Individual Education Plan

Will develop an IEP for each child for whom the department has responsibility and who is not excluded for medical or behavioral reasons.

The process developed by each individual education program will assure the following:

1. Participation at the IEP meeting will include a representative of the school program qualified to provide or supervise special programs, one or more of the child's classroom teachers, and at least one of the child's parents (as described in 121a.221).
2. That parents will have a fair opportunity to attend the meeting at a mutually agreed upon time.
3. That the committee may meet without parents if there is documentation of all telephone calls to parents, or copies of correspondence, or documentation of visits to the parent's home or place of employment.
4. That in cases where there is a possible communication barrier (deafness, native language other than English) with the parent, the Department of Social and Health Services will provide an interpreter for the parents.
5. That where appropriate, the child will be included in the IEP conference as a participant.
6. That an IEP will be developed on every child and renewed yearly on a schedule developed by each individual state-operated institution, school, or community based provider agency.
7. That an IEP will be developed on every new enrolled pupil within 30 days of entry in the program.

The IEP shall include the following:

1. Present level of functioning in the emotional, academic, and psychomotor skill and self help areas.

2. Services needed but not available.

3. Annual goal statement.

4. Short-range objective statement for each goal statement.

5. A list of specific educational services provided.

6. When these services will begin and the length of time these services will be provided.

7. A time table for evaluating the effectiveness of the IEP.

121a.236 Local Policies Consistent with Statute

The Department of Social and Health Services hereby certifies that all policies and programs administered within the educational program are consistent with section 612(1)-(7) and section 613(A) of P.L. 94-142 and is in full compliance with state laws as per WAC 392-173.

121a.237 Procedural Safeguards

The Department of Social and Health Services will provide procedural safeguard to parents and handicapped children for whom the department has responsibility with respect to the provision of a full appropriate public education. These safeguards are to include:

A. Opportunity to Examine Records

   1. The identification, evaluation and educational placement of the child.

   2. The provision of a full appropriate public education to the child.

B. Independent Educational Evaluation

   The parents of a handicapped child shall be informed of their right to obtain an independent educational evaluation by an independent certified or licensed professional examiner who does not routinely perform such evaluations for the department.

   1. A parent has the right to an independent educational evaluation at public expense if the parent disagrees with the department's evaluation. However, the department may initiate a hearing to show that the evaluation is appropriate, in which case, the parent still has a right to an independent evaluation, but not at public expense.

2. If the parents obtain an independent evaluation at their own expense the department will:

    a. Consider the results of the independent evaluation.
    b. Consider all the informatin to be presented at a hearing for the child.
    c. Pay for the cost of the independent evaluation if the hearing officer requested an independent evaluation.
    d. The justification of the independent examiner will be consistent with OSPI guidelines.

### C. Prior Notice: Parent Consent

Will notify parents according to requirements of section 121a.500-121a.514 of sub-part E of P.L. 94-142 regulations within a reasonable time (usually 30 days) before the department:

1. Prepares to initiate or change the identification, evaluation, or educational placement of the child.

2. Refuses to initiate or change the identification, evaluation or educational placement of the child.

3. Prior to conducting an initial educational evaluation, parental consent will be obtained.

### D. Fair Hearing

"Fair hearing" means an administrative procedure by which the department hears and decides the appeal of an applicant or recipient provided for in Chapter 34.04 RCW (Washington State's Administrative Procedure Act) with special attention to the due process provisions in WAC 388-08-00101 through WAC 388-08-610.

### E. Hearing Officer

"Hearing examiner" or "hearing officer" means the departmental employee designated by the secretary to conduct fair hearings. Such hearing examiner/officer shall not be an employee of the institution, school or community based provider agency involved in the education or care of the child.

### F. Hearing Rights

The right to a fair hearing shall apply to all matters described in 45 CFR § 12 a.504(a)(1) and (2).

# APPENDIX F

## LOCAL EDUCATION AGENCY APPLICATION FOR P.L. 94-142 FUNDS

SPI
DR. FRANK B. BROUILLET
Superintendent of Public Instruction

May 20, 1985

(X) Action Required
Due back by 6-28-85
( ) Informational

BULLETIN NO: 16-85 DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

TO: Chief School District Administrators
LEA Special Education Directors
ESD Superintendents
ESD Special Education Directors

FROM: Dr. Frank B. Brouillet, State Superintendent of Public Instruction

RE: Local Education Agency Application for P.L. 94-142 Funds

Enclosed is the 1985-86 local district application for Title VI-B, P.L. 94-142 funds. The application includes the following four parts:

Section I Statement of Assurances and Certification
Section II Description of Use of Title VI-B Funds, including Budget Detail Form, and Equipment Inventory Form
Section III Handicapped Student Policies and Procedures
Section IV Full Educational Opportunity Goal, including full educational opportunity goal table

Instructions for completing each section are included on the forms. Those districts submitting a collaborative application for P.L. 94-142 funds must complete the bottom of Page 8 of the application; otherwise this section should be disregarded.

Also enclosed are the following attachments:

*Allowable expenditures for Federal handicapped funds
*Review criteria for LEA applications
*The excess cost requirement under Part B of the Education of the Handicapped Act (Special Education Programs Memorandum)
*District summary of December 1, 1984, childcount and entitlement

Please submit the completed application and three (3) copies to your EDUCATIONAL SERVICE DISTRICT SPECIAL EDUCATION DIRECTOR by June 20, 1985. The Special Education Director will review the application for completeness and forward the original and two copies to our office for final approval. We are anticipating receipt of our grant award from the Federal government approximately July 1, 1985, pending approval of our State Plan. District grant awards for 1985-86 are anticipated to be made during July and August.

Old Capitol Building, FG-11, Olympia, Washington 98504

Due to uncertain Federal funding levels, the amount of $202.00 per student is being used for planning purposes. This amount is subject to revision upon receipt of the state grant award from the federal government. The child count numbers, which are consistent with data on the latest E-721 forms submitted to our office, are final.

Your initial P.L. 94-142 budget should reflect only the new 1985-86 flow through allotment. When your district's carryover amount is verified by your final F-1000E-H/C form, you will need to submit a budget amendment to add that carryover amount to your 1985-86 flow through grant award.

Payments will continue to be made on a monthly basis through the apportionment systems, following the same schedule as in 1984-85. Please submit your final F-1000E-H/C invoice voucher for 1984-85 as soon as possible, but no later than October 31, 1985, in order that your carryover funds can be calculated. No carryover funds may be included in the budget prior to the closing of your 1984-85 grant award through the F-1000E-H/C process.

Please contact your Educational Service District Special Education Director or your SPI Regional Supervisor if you have any questions.

DIVISION OF SPECIAL SERVICES
AND PROFESSIONAL PROGRAMS

Judy A. Schrag
Assistant Superintendent

Greg G. Kirsch
Director, Special Education

S102AA.00
Attachments

## ESD AND SPI
## REVIEW OF LEA APPLICATIONS FOR P.L. 94-142
## PROCEDURES

EACH APPLICATION MUST BE CHECKED FOR THE FOLLOWING:

1. All signatures must be on page 8 of the application. The signature of the superintendent for each participating district is required on collaborative applications. Each application contains required policies and/or procedures.

2. Budget F-1000B-H/C

   The following items must be completed:

   a. Expenditure period
   b. Project name/type
   c. District name
   d. Contact person
   e. Phone number
   f. Accurate mathematics.

   SPI will assign grant award numbers.

3. The basic format under "Activity" 21-59 cannot be altered (no write-ins). See attached allowable expenditures to assure appropriate use of activities. If you have questions about expenditure categories, contact Special Education, 206/753-2563.

   a. Indirect costs will be generated by all expenditure objects beginning in 1984-85. Indirect cost rates will be checked by SPI for accuracy. Make sure nothing is added in the shaded areas. Please check subtotals for accuracy. (SPI checks all totals after indirect is confirmed.)

   b. Capital outlay must be justified in terms of services to handicapped students. For example, desks, file cabinets, or Hondas are not appropriate expenditures. See the following recommendations regarding computer purchases.

   c. Any purchase of capital outlay (equipment) of $100.00 or more is non-expendable in nature and must be recorded for inventory purposes. (Purchases under $100.00 are included in supplies and materials or instructional materials.

      All computer purchases must be justifiable in terms of services to handicapped students, rather than in terms of savings in administration time. Direct services for students should be first priority for purchase of computers.

      Appropriate computer items include terminals, modems, hardwiring, floppy discs, printers, etc.

Capital outlay items over $2,000 must have prior written approval from SPI Special Education Director and require a written justification.

4. **Budget Detail**

This page correlates directly to the budget and is intended to be a further clarification for SPI staff approval purposes.

5. **Equipment Inventory**

This form must be completed and signed. Each item listed must have a serial number.

SPI
STATE OF WASHINGTON
Superintendent of Public Instruction

SPECIAL SERVICES & PROFESSIONAL PROGRAMS
Special Education Section
Old Capitol Bldg., FG-11, Olympia, WA 98504

| ESD | CO | DIST |
|---|---|---|
| | | |

# LOCAL EDUCATION AGENCY APPLICATION

This form is the local education agency application for P.L. 94-142, Title V Part B flow-through funds for educating handicapped students. Please sign the assurances and complete data tables and budget forms.

Three copies of the completed application should be submitted to your EDUCATIONAL SERVICE DISTRICT SPECIAL EDUCATION DIRECTOR by June 20, 1985.

APPLICANT AGENCY ____________________

ADDRESS ____________________

CONTACT PERSON ____________________ TELEPHONE ____________

DATE SUBMITTED ____________________

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ESD REVIEW COMPLETED ____________________ ____________
Director Date

SPI USE ONLY

FISCAL YEAR 198__

( ___ ) Approved

( ___ ) Approved with Modifications

( ___ ) Disapproved

____________________ ____________
Program Supervisor Date

Form SPI E-795 (Revised 5/85)

## SECTION I. STATEMENT OF ASSURANCES AND CERTIFICATION

Please read carefully the requirements for policies, procedures, and assurances and sign the certification statements. Policies, procedures, assurances, and certification are necessary for receipt of Title VI-B, P.L. 94-142 funds.

Those districts submitting a collaborative application should complete the statement at the bottom of the Certification. (Signatures of representatives of any participating Headstart agencies must also be included.)

### ASSURANCES

The Applicant hereby assures the Superintendent of Public Instruction that district policies and procedures have been developed and implemented which meet the criteria stated in 34CFR300.220-300.240; 76.301.

1. Full Educational Opportunity Goal (34CFR300.222)
   The district has established a goal of providing full educational opportunity to handicapped students within its jurisdiction. (WAC 392-171-701-721)

2. Public Control (EDGAR; 34CFR76.301(c)(1)(2)(3))
   The control of funds provided under Part B and title to equipment acquired with those funds shall be with the school district in accordance with the provisions of P.L. 94-142. The representations made in this application properly reflect the projected students, personnel and expenditures to be incurred in the operation of the district's special education program for handicapped students; expenditures for services and goods will be made exclusively for the benefit of students who meet the definitions and eligibility published in the Rules and Regulations for the Washington State Special Education Program for Children with Handicapping Conditions, as adopted July 27, 1973, and amended August 19, 1980. Expenditures will not be reimbursed from any other sources and personnel assignments and other documentation of expenses will be accounted for separately and readily for audit.

5. Excess Cost and Nonsupplanting (34CFR300.229 and 230)*
   Funds received under Part B of the Act will be used solely for excess costs in providing special education and related services to unserved handicapped students and/or to provide full educational opportunities for all handicapped students. Funds received will be used to supplement and in no case supplant state and local funds. To meet this requirement:

   a. The total amount or average per capita amount of state and local school funds budgeted by the local educational agency for expenditures in the current fiscal year for the education of handicapped children must be at least equal to the total amount or average per capita amount of state and local funds actually expended for the education of handicapped children in the most recent preceding fiscal year for which the information is available. Allowance may be made for

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*Wording regarding supplant conditions is taken directly out of Federal rules and regulations for special education, P.L. 94-142.

i. Decreases in enrollment of handicapped children; and

ii. Unusually large amounts of funds expended for such long term purposes as the acquisition of equipment and the construction of school facilities; and

b. The local educational agency must not use Part B funds to displace state or local funds with Part B funds on either an aggregate basis or for a given expenditure.

4. Comparable Services (34CFR300.231)
All special education classrooms, materials and programs are of comparable quality with other programs in the district, and the district maintains records that document compliance with this requirement.

5. Information - Reports (EDGAR; 34CFR76.301(c)(4)(i))
Documentation in support of all parts of this Plan - administrative, programmatic, and fiscal - shall be kept on file in one central location. The district shall provide such documentation to all authorized Federal and state personnel on request.

6. Records (34CFR300a.233) (EDGAR; 34CFR76.301(c)(4)(ii))
Records related to the location, assessment, and placement of handicapped students and the development and implementation of individualized education programs are maintained. Programmatic and fiscal information records are available to authorized SPI officials or to their designees for the purpose of compliance monitoring under WAC 392-171-731.

7. Public Participation (EDGAR; 34CFR76.301(c)(5)(6))
This application and all related documents shall be made available to parents and to the general public (excluding personally identifiable student information) for comment and inspection prior to and subsequent to its adoption. All evaluations and reports required by state and Federal regulations are public information.

8. Procedural Safeguards (34CFR300.237)
Procedural safeguards for parents and students are implemented related to informed consent, evaluation (protection in evaluation procedures), confidentiality, opportunity to examine records, prior notice, independent educational evaluation, impartial due process hearing, surrogate parents, and least restrictive environment, as required by 34CFR300.500 - 300.514, 300-550-554 and WAC 392-171.

9. Participation of Private School Students (EDGAR; 34CFR76.655 and 34CFR76.656)
The district shall spend the same average amount of program funds on a student enrolled in private schools who receives benefits and a student enrolled in a public school who receives benefits; provided that the district shall spend a different average amount on program benefits for students enrolled in private schools if the average cost of meeting the needs of those students is different from the cost of benefits the district provides for public school students.

The district will maintain the following information to ensure compliance with 34CFR76.656:

a. A description of how the district meets the Federal requirements and the requirements of WAC 392-171-651 and WAC 392-171-656 for participation of private school students;
b. The basis the district uses to select students to receive benefits;
c. The manner and extent to which the district complied with the requirement for consultation (CFR76.652);
d. The places and times that the students receive benefits; and
e. The differences, if any, between the program benefits the district provides to public and private school students, and the reasons for the differences.

## POLICY

1. Free Appropriate Public Education and Related Services (34CFR300.4; 300.240 300.300-300.307; WAC 392-171-691(5))
The district shall provide every handicapped student age preschool to twenty-one a free appropriate public education consisting of individualized special education and related services. The district assures that it will immediately review and revise, as needed, district policies to the extent necessary to fully comply with the "extended school year" requirements of WAC 392-171-351, -461, -721, as hereafter amended by the Superintendent of Public Instruction, and that district assessment and IEP teams will fully comply with the "extended school year" requirements of WAC 392-171-351, -461, as hereafter amended by the Superintendent of Public Instruction, in connection with all individual education plans developed for new handicapped students enrolled after August 31, 1984, and all reviews of existing individual education plans conducted subsequent to August 31, 1984.

## POLICY AND PROCEDURE

1. Confidentiality of Personally Identifiable Information (34CFR300.221)
Each application must include policies and procedures which ensure confidentiality of information in accordance with the provisions of the Family Educational Rights and Privacy Act (FERPA).

## PROCEDURES

1. Child Identification (34CFR300.220 and 225)
All handicapped students of common school age (preschool-21) have been identified and are currently being served by the school district. As other students in this age group are identified, located and evaluated, they will be provided with the opportunity for free appropriate public education. First priority for Title VI-B flow through funds will be for the identification, location, evaluation and placement of unserved handicapped students of common school age (preschool-21). Second priority for Title VI-B expenditures will be for providing free appropriate public education for students enrolled in school who are underserved, including the option of extended school year special education services.

2. Personnel Development (34CFR300.224; WAC 392-171-691(4)(c))
Each application must include procedures for the implementation and use of the comprehensive system of personnel development established by the state educational agency (SPI).

3. Participation in Regular Education Programs (34CFR300.227; WAC 392-171-691(4)(e))
Each application must include procedures to ensure that to the maximum extent practical the local educational agency provides special services to enable handicapped children to participate in regular education programs.

4. Individualized Education Program (34CFR300.235; WAC 392-171-691(4)(g)
Each application must include procedures to assure the development of individualized education programs for each eligible handicapped student.

## SINGLE DISTRICT CERTIFICATION

I, the undersigned Superintendent, have reviewed this application and certify that (1) this application has been adopted by the district's Board of Education and is the basis for the operation and administration of activities to be carried out under P.L. 94-142, Part B; (2) the district is meeting all applicable requirements of Federal and state rules and regulations governing the education of handicapped children; (3) the district has written policies and procedures for implementing all applicable requirements of Federal and state rules and regulations governing the education of handicapped children; (4) the programs operated in the district are in compliance with Title 34 of the Code of Federal Regulations, Part 104, (Nondiscrimination on the Basis of Handicap in Programs Receiving or Benefiting from Federal Financial Assistance); and (5) the district will comply with the above assurances.

Superintendent — Date

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## COLLABORATIVE DISTRICT CERTIFICATION

To be completed for districts submitting a collaborative application for P.L. 94-142 funds (Required for districts entitled to less than $7,500).

I, the undersigned Superintendent, hereby submit the enclosed local district application for Part B, EHA, P.L. 94-142 funds as the fiscal agent serving district for a collaborative special education program.

Superintendent — Date

I, the undersigned Superintendent, have reviewed the enclosed application and agree to participate in a collaborative special education program with the above-named serving district and certify that (1) this application has been adopted by the district Board of Education and is the basis for the operation and administration of activities to be carried out under Part B; (2) the district is meeting all applicable requirements of Federal and state rules and regulations governing the education of handicapped children and youth; and (3) programs operated in the district will be in compliance with Title 34 of the Code of Federal Regulations Part 104 (Nondiscrimination on the Basis of Handicap in Programs receiving or benefiting from Federal Financial Assistance).

District — Superintendent

District — Superintendent

District — Superintendent

District — Superintendent

District — Superintendent

## SECTION II: DESCRIPTION OF USE OF TITLE VI-B FUNDS

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(FEDERAL PROJECT BUDGET, BUDGET DETAIL, AND EQUIPMENT INVENTORY)

Examples of allowable expenditures of Federal handicapped funds are described in the attachment.

Since the Budget Detail describes how Title VI-B funds are used to benefit handicapped students, it is very important that it be completed appropriately. School districts should further specify expenditures in objects 2 or 3 by attaching a description of the duties and responsibilities of these positions. If more space is needed for objects, districts may attach additional sheets. However, the same format must be followed. Following is an example of a completed Budget Detail form.

| Object | Activity 23 Psych - Speech - Hearing | Dollar Amt. | F.T.E. |
|---|---|---|---|
| 2 | C.D.S. to provide speech therapy | 21,856 | .56 |
| 2 | Psych to conduct reassessments | 16,461 | .5 |
| 6 | Benefits for above staff | 3,000 | |
| | | | |
| | | | |
| | Total | $41,317 | 1.06 |

| Object | Activity 26 Health | Dollar Amt. | F.T.E. |
|---|---|---|---|
| 2 | P.T. to provide service to multi-H/O | 14,642 | 1. |
| 6 | Benefits | 1,569 | |
| | | | |
| | Total | $16,211 | 1.0 |

School districts are allowed a 20% deviation by total object or activity without submitting a budget revision. However, a given object within an activity must be on the budget before it can be allowed. Written OPI approval must be requested for reallocations greater than this amount and received in writing by the school district prior to expenditure and/or obligation. Not more than 10% of the total budget may be expended for capital outlay expenditures.

Prior to October 31, 1985, the F-166 form establishing available carryover funds for the 1985-86 school year must be submitted to OPI. At that time your district must forward a budget amendment to the 1985-86 Flow Through grant award, including any carryover funds, along with a revised Budget Detail form incorporating any additional activities to be conducted with the carryover funds.

Form OPI E-700 (Revised 5/85)

## SECTION III

## HANDICAPPED STUDENT POLICIES AND PROCEDURES

As a requirement of WAC 392-171-491(2) and P.L. 94-142, 34 CFR 300.220-240, written policies and/or procedures supporting the education of handicapped children must be developed and maintained by each school district receiving state and/or federal funds.

The Superintendent of Public Instruction is now required by the federal government as a result of a federal audit of SPI to maintain on file, in our office, copies of each school district's special education policies and/or procedures for documentation of LEA compliance with P.L. 94-142.

As part of the LEA application process your school district is required to provide SPI one (1) copy of your school district's special education policies, procedures and/or assurances. This is a one time request for a full set of special education policies and/or procedures. Areas of policies and procedures to be submitted are contained in Section I of this application. In subsequent years, the school district need only submit revisions, updates, and/or amendments to the board-adopted policies and changed procedures which have been made during the school year prior to submission of this LEA application.

The following policies, procedures and/or assurances are required to be submitted as part of this application per the provisions of P.L. 94-142, EDGAR and state WAC.

| Policy Required | | Procedure Required | | Assurance Only (as part of this application) | |
|---|---|---|---|---|---|
| Area | Federal/State Regulation Citation | Area | Federal/State Regulation Citation | Area | Federal/State Regulation Citation |
| 1. Free Appropriate Public Education | 34CFR300.240 | 1. Child Identification | 34CFR300.220 and 223 | 1. Full Educational Opportunity Goal | 34CFR300.222 |
| 2. Confidentiality of Personally Identifiable Information (Policy and Procedure) | 34CFR300.221 | 2. Personnel Development | 34CFR300.224; WAC 392-171-491(4)(c) | 2. Public Control | 34CFR76.301 |
| | | 3. Participation in Regular Education Programs | 34CFR300.227; WAC 392-171-491 | 3. Excess Cost and nonsupplanting | 34CFR300.229 and 230 |
| | | 4. Individualized Education | 34CFR300.235; WAC 392-171-491(4)(g) | 4. Comparable Services | 34CFR300.231 |

| Policy Required | | Procedure Required | | Assurance Only (As part of this Application) | |
|---|---|---|---|---|---|
| Area | Federal/State Regulation Citation | Area | Federal/State Regulation Citation | Area | Federal/State Regulation Citation |
| | | | | 5. Information Reports | 34CFR76.301 |
| | | | | 6. Records | 34CFR300a.233<br>34CFR76.301 |
| | | | | 7. Public Participation | 34CFR76.301 |
| | | | | 8. Procedural Safeguards | 34CFR300.237 |
| | | | | 9. Participation of Private School Students | 34CFR76.655 and 656 |

If you need assistance in responding to this request, please contact your regional ESD Director of Special Education.

DEFINITIONS:

Policy: A written statement made by the school district Board of Education which states the school district's commitment to accomplish a specified goal. In special education policies the school district would specify goals to be accomplished in accordance with the requirements of 34CFR300.220-240 and WAC 392-171-491(3).

Procedures: A written plan of action made by a school district which operationalizes school district policy or regulates the activities and actions of school district personnel. Special education procedures would describe in detail how services to handicapped children would be provided.

Assurance: A statement by the school district which affirms the responsibilities of the school district in guaranteeing that applicable state and Federal regulations will be observed and complied with in the provision of services to handicapped students.

# SECTION IV

## FULL EDUCATIONAL OPPORTUNITY GOAL

P.L. 94-142 contains two distinct concepts. The first, Free Appropriate Public Education (FAPE) is required for children three through 21 years of age. The second concept is FEOG, Full Educational Opportunity goal. It is assumed that districts have in place FAPE for all eligible handicapped children in their districts. FEOG goes beyond the mandatory programs to ask for the goals the district has to extend their services to handicapped children beyond the mandatory.

Each year, in the local application, the district must list its goals that go beyond the provision of the mandatory programs and notify the state of the district's goals for serving children beyond the mandate - that is, children below the age of three or beyond the age of 21 or the provision of programs that go beyond the provision of an appropriate educational program - toward the provision of the ideal or best special education program. These are the plans where the district goes beyond the minimums to serve students better than the mandate requires.

In responding to this data request the district should consider areas that it would serve if more funding were available or if discretionary funding were re-distributed. Some examples of these services might include: Service to preschool children below the age of three, extra programming for children beyond their IEP needs, or special education followup services beyond the age of 21.

The assumption when P.L. 94-142 was first written was that districts would continue to increase and improve their services to handicapped children.

As a part of the general supervision responsibility of the State Educational Agency, it is required that this data be collected to make forecasts as to the facilitity, personnel, and service needs that districts will have as they move toward these goals.

Nothing in this data may be construed to indicate that the district is not providing a free appropriate public education to the eligible handicapped children under its control.

In completing this information the district should first list the additional services that, given the appropriate resources, it would provide to handicapped children, and a schedule anticipated for the delivery of these services. This is in no way a contract to provide the service beyond those already required by FAPE.

Following are several copies of the data collection table for your use.

## SECTION IV -- FULL EDUCATIONAL OPPORTUNITY GOAL TABLE

Service Goal: ______________________________

| FEOG NEED AREA | KIND | NUMBER | ANTICIPATED COMPLETION DATE (MONTH & YEAR) |
|---|---|---|---|
| PERSONNEL & SERVICE | | | |
| | | | |
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| FACILITIES | | | |
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| EQUIPMENT | | | |
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State Of Washington
SUPERINTENDENT OF PUBLIC INSTRUCTION
Old Capitol Building, Olympia, WA 98504

SPI

SPECIAL EDUCATION
# FEDERAL PROJECT BUDGET

PROGRAM TYPE ____________________
FISCAL YEAR ____________________

DATE SUBMITTED TO OSPI ______________

| ESD | CO | DIST | |
|---|---|---|---|

GRANT NUMBER

EXPENDITURE PERIOD

| BEGINNING | ENDING |
|---|---|
| | |

| PROJECT TYPE NAME | DISTRICT NAME | CONTACT PERSON | PHONE |
|---|---|---|---|
| | | | |

| | | OBJECT OF EXPENDITURE | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | DEBIT TRANSFER | CERTIFICATED SALARIES | CLASSIFIED SALARIES | EMPLOYEE BENEFIT | SUPPLIES AND MATERIALS | INSTR. MATERIALS | CONTRACT SERVICES | TRAVEL | CAPITAL OUTLAY |
| ACTIVITY | TOTAL | (0) | (1) | (2) | (3) | (4) | (5) | (7) | (8) | (9) |
| 21 Supervision-Instruction | | | | | | | XXX | | | |
| 22 Learning Resources | | | | | | | | | | |
| | XXX | XXX | XXX | XXX | XXX | XXX | XXX | XXX | XXX | XXX |
| 24 Guidance & Counseling | | | | | | | XXX | | | |
| 25 Psych-Speech-Hearing | | | | | | | XXX | | | |
| 26 Health | | | | | | | XXX | | | |
| 27 Teaching | | | | | | | | | | |
| 28 Payments To Other Districts | | XXX | XXX | XXX | XXX | XXX | XXX | | XXX | XXX |
| 29 Field Trips, Etc. | | | XXX | XXX | XXX | XXX | XXX | | XXX | XXX |
| | | | | | | | | | | |
| | | | | | | | | | | |
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| | | | | | | | | | | |
| SUBTOTAL | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| Indirect Cost | | | | | | | | | | |
| PROJECT GRAND TOTAL | | | | | | | | | | |

**REMARKS:**

RETURN FORM TO:

[illegible]
SPECIAL EDUCATION SECTION

SPI USE ONLY

DATE APPROVED: ______________

______________
Federal Finance Administrator

DATE APPROVED: ______________

______________
Special Education Program Supervisor

Form SPI [illegible]
(Rev. [illegible])

NOTE: Form [illegible] must be accompanied by Form [illegible]

ESD ____ Co ______________ Dist __________

District Name ______________________________

BUDGET DETAIL: Description of Uses of Title VI-B, P.L. 94-142 Funds

Briefly itemize under the OBJECT and ACTIVITY any planned expenditures. The total dollars under each object should match the F1000B.

| OBJECT | ACTIVITY | DOLLAR AMOUNT | F.T.E. |
|---|---|---|---|
| | 21 SUPERVISION - INSTRUCTION | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | TOTAL | | |
| | 22 LEARNING RESOURCES | | |
| | | | |
| | | | |
| | | | |
| | TOTAL | | |
| | 24 GUIDANCE & COUNSELING | | |
| | | | |
| | | | |
| | | | |
| | TOTAL | | |
| | 25 PSYCH - SPEECH - HEARING | | |
| | | | |
| | | | |
| | | | |
| | TOTAL | | |
| | 26 HEALTH (OT/PT, etc.) | | |
| | | | |
| | | | |
| | | | |
| | TOTAL | | |
| | 27 TEACHING (TEACHERS, AIDES) | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | TOTAL | | |
| | 29 PAYMENTS TO OTHER DISTRICTS | | |
| | | | |
| | | | |
| | | | |
| | TOTAL | | |
| | 59 FIELD TRIPS, etc. (EXPLAIN) | | |
| | | | |
| | | | |
| | | | |
| | TOTAL | | |
| | TOTAL DOLLAR AMOUNT | | |

DETAIL ALL BUDGET EXPENDITURES LISTED ABOVE FOR OBJECT 7, CONTRACTUAL SERVICES

_______Days @ $_______PER DAY PURPOSE______________________________
_______Days @ $_______PER DAY PURPOSE______________________________
_______Days @ $_______PER DAY PURPOSE______________________________
_______Days @ $_______PER DAY PURPOSE______________________________
RENTAL (SPECIFY)__________________________________________________

LIST ALL CAPITAL OUTLAY PURCHASES

| Item | Dollar Amount |
|---|---|
| | |
| | |
| | |

FORM SPI E-795-B (Revised 9/84)

TITLE VI-B EQUIPMENT INVENTORY

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Please complete and sign this page even if no equipment has been purchased.

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I hereby certify in FY 84-85 that the following is a true and accurate inventory of all items purchased in FY 84-85 with Title VI-B funds, that all of these items are on inventory forms in the central school district office, and that all of these items are properly labeled according to Title VI-B regulations. I further certify that all items purchased with Title VI-B funds will continue to be used for the purposes for which they were granted and that the institution will carry on these programs at state or local expense when no longer funded under Title VI-B.

---

| ITEM (common name, NAME not trade name) | TOTAL NO. OF UNITS | TOTAL COST | DATE OF PURCHASE | SERIAL NUMBERS |
|---|---|---|---|---|

☐ No equipment has been purchased with Title VI-B funds.

Signature of Person Completing Form

Title

School District

Date

Form SPI E-795 (Revised 5/85)

# ALLOWABLE EXPENDITURES
## Federal Handicapped Funds
## P.L. 94-142

The purpose of Federal handicapped funds is to meet the special education needs of handicapped children.

The key to determining the appropriateness of Federal handicapped expenditures is the ease with which they can be traced to the benefit of eligible children who are receiving services. Funds may not be used for other district programs; i.e., administration of programs other than special education, district-wide bookkeeping, secretarial support to administrators with responsibilities other than special education, or for purchases of materials/supplies for district programs other than special education.

Following are guidelines and definitions of various Activity Series and Objects of Expenditure categories. (Please see page 7 for a sample of a completed budget detail sheet.) This information is provided to aid districts in properly coding allowable expenditures while preparing P.L. 94-142 Budget and Expenditure forms.

### Activity Series

This series consists of activities dealing directly with, aiding in the teaching of, or improving the quality of educational programs for handicapped students. These are the activities of teachers, consultants, psychological and speech services, health services, and social work services.

Activity Code Numbers and examples of activities funded under each are listed below:

21 Supervision-Instruction

- Special Project direction related to specific special education objectives/activities supported by these funds.
- Secretarial/Clerical related to specific special education project objectives/activities supported by these funds.

22 Learning Resources

- Media producers of audio-visual aids for the handicapped program.
- Audio-visual consultants.
- Computers and instructional software for special education.
- Service, equipment, and materials designed to provide special education education.
- Secretarial/Clerical related to specific special education project objectives/activities supported by these funds.

24 Guidance and Counseling

- Counselor (special education).
- Social Workers (special education).
- Secretarial/Clerical related to specific special education project objectives/activities supported by these funds.

25 **Psych-Speech-Hearing**

- Psychologist.
- Psychometrist.
- Speech/Hearing Therapists (Communication disorders Specialists).
- Audiometrists.
- Secretarial/Clerical related to specific special education project objectives/activities supported by these funds.

26 **Health**

- Nurse (special education)
- Physical Therapist.
- Occupational Therapist.
- Orientation and Mobility Specialist.

27 **Teaching**

- Teachers (special education).
- Teachers' Aides (special education).
- Teachers of Homebound Instruction.
- Interpreters.
- Substitute Teachers (special education).

29 **Payments to Other Districts**

- Payments to other districts for services provided to the handicapped.

59 **Field Trips, etc.**

- Costs of providing transportation and other related costs for the purposes of broadening the knowledge and experience of the handicapped in connection with the special education program.

**Object of Expenditure Categories**

Under this system, objects of expenditure will be recorded as a subclassification of the appropriate program and activity codes using this uniform classification. The titles and definitions of objects of expenditure are as follows:

0 **Debit Transfer**: Object is used to transfer direct costs previously charged to another program.

2 **Salaries - Certificated**: Compensation of special education personnel covered by the continuing contract law and employed as such as charged to this object category. Also include substitutes and extended contracts for above-defined positions. (Note that substitutes should be broken out on budget detail page as such.)

3 **Salaries - Classified**: Include the compensation of employees such as supervisor, professional, technical, skilled, secretarial, clerical, aides and others working with the handicapped student who do not meet the definition of certificated salaries.

4 Employee Benefits: All employee benefit expenditures are charged here.

5 Supplies and materials: Supplies and materials are identified as items of an expendable nature that are consumed in uses related to programs and services for handicapped children. These items may also lose their identity through fabrication or incorporation into a different or more complex unit or structure.

6 Instructional Materials: This object is used only in the Teaching and the Learning Resources activities related to programs and services for handicapped students and is limited to textbooks, workbooks, audio-visual materials, and other commercially prepared and copyrighted materials used in lieu of or as an extension of books in the instruction of students in the classroom and in Learning Resources. This object of expenditure includes the following:

- Kits and packets used in lieu of texts
- Library books (hard and soft cover)
- Prerecorded audio and television tapes
- Records
- Sheet Music
- Textbooks (hard and soft cover)
- Workbooks.

7 Contractual Services: This object includes all payments for special education and related services rendered to the school district under expressed or implied contract with the exception of items classified as Object 8, Travel. All compensation for services rendered by persons who are not special education employees and are compensated on a fee or contractual basis is recorded under this classification.

8 Travel: Travel related to special education includes contractual services in connection with carrying project personnel from place to place and the furnishing of accommodations incident to travel, such as railroad, airplane, bus, taxi, lodging and meals. Also included are per diem allowances, mileage allowances for use of privately owned vehicles, ferry fare, and other expenses necessitated by travel. Other expenses necessitated by travel, when included in a travel expense voucher, would also be charged here.

DO NOT INCLUDE EXPENDITURES FOR PUPIL TRANSPORTATION.

Examples of travel expenses include

- Mileage - in district
- Other Travel - personal expense reimbursable
- Travel Expense - conference
- Travel Expense - recruitment
- Travel Expense - other.

Capital Outlay: Expenditures that are of a capital nature and are related to special education programs and services are recorded under this classification.

Examples of equipment include

- A-V Equipment
- Administrative Equipment
- Instructional Equipment
- Computers used for Instructional Use.

## General Fiscal Information

Equipment may be purchased so long as it is child-specific or essential to the operation of the program. The Title VI-B flow through application calls for an inventory of equipment purchases. Equipment should be marked for easy identification and an updated inventory should be maintained on file in the district.

Contractual Services must be explained on the budget detail form. They will not be questioned except in extraordinary instances.

All telephone, xerox, and postage costs must be paid from indirect costs unless directly related to a major project objective/activity. The Division of Financial Services publishes a schedule of school district indirect cost rates annually. For more information on indirect cost rates, contact the SPI Division of Financial Services.

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

February 5, 1988

| Contact Person |
|---|
| Name: Mr. William D. Tyrrell |
| Telephone: (202) 732-1025 |

OSEP-88-[illegible]

**OSEP MEMORANDUM**

TO: : State Directors of Special Education

FROM : [illegible], Director
Special Education Programs

SUBJECT: The Excess Cost Requirement Under Part B of the Education of the Handicapped Act

The Office of Special Education Programs has received several letters asking for information on the excess cost requirement under Part B of the Education of the Handicapped Act (EHA-B). The purpose of this memorandum is to share the responses to those inquiries with you. The following questions and answers were developed to summarize questions raised by State administrators regarding the excess cost provision. Under Section 614(a)(1) and (2)(B)(i) of the EHA-B, a local educational agency may only use funds under the EHA-B for the excess costs of providing special education and related services for handicapped children. The excess cost requirement is also covered in some detail at §§300.182 - 300.186.

1. Question: What is the purpose of the excess cost requirement?

   Answer: The purpose of the excess cost requirement is to ensure that EHA-B funds are used to help pay only those additional costs of educating handicapped children which are above and beyond the cost of educating non-handicapped children. The intent of the excess cost requirement is to ensure that, on the average, a local educational agency (LEA) or intermediate educational unit (IEU) spends as much for the education of handicapped children as it does for non-handicapped students before it spends EHA-B funds. This is expressed in the comment following 34 CFR 300.182 which states, in part:

The excess cost requirement means that the local educational agency must spend a certain minimum amount for the education of its handicapped children before Part B funds are used. This ensures that children served with Part B funds have at least the same average amount spent on them, from sources other than Part B, as do the children in the school district taken as a whole.

2. _Question:_ Is the sample formula shown in the comment following 34 CFR 300.184 an excess cost formula?

   _Answer:_ No. This formula is not an excess cost formula, but rather a formula for computing the average per pupil expenditure (APPE) for all elementary and secondary students within a district (including both handicapped and non-handicapped). Excess cost is determined by computing the APPE and using that figure as the minimum amount which a district must spend, on the average, for educating its handicapped children. EHA-B funds may be used for costs over and above this minimum amount.

3. _Question:_ Must States use the formula described at 34 CFR 300.184?

   _Answer:_ Yes. This formula must be used since it is contained in the EHA-B implementing regulations.

4. _Question:_ Can the Department waive the requirement for breaking out costs separately for elementary and secondary students in computing the APPE?

   _Answer:_ No, the EHA-B regulations require separate calculations for elementary and secondary students (_see_ 34 CFR 300.184). The Secretary cannot waive this requirement.

5. _Question:_ Must States use actual expenditures in the sample formula shown in the comment following 34 CFR 300.184 in order to compute the APPE?

   _Answer:_ No. This example was added to the regulations to clarify for State and local educational agency administrators how the excess cost requirement could be satisfied. The Department will accept reasonable alternative methods of computing the breakout of the basic cost for educating elementary and secondary students, including the use of a weighting to compute the figures for secondary students (e.g., 1.25 X the APPE for students in kindergarten through grade 6).

6. Question: What expenditures are included when determining an LEA's APPE?

Answer: All of the LEA's expenditures in the preceding school year are used to calculate the APPE, except capital outlay and debt service. The following expenditures from the preceding school year are then subtracted from this total:

(a) Amounts spent from EHA-B funds and funds received under Title I and VII of the Elementary and Secondary Education Act of 1965;

(b) State and local funds spent on programs for handicapped children;

(c) State and local funds spent to meet the special needs of educationally deprived children; and

(d) State and local funds spent on programs of bilingual education for children with limited English-speaking ability.

EHA-B funds may be used to pay costs above the APPE for providing special education and related services to handicapped children.

7. Question: Can data from the second preceding fiscal year be used to calculate the APPE for purposes of meeting the excess cost requirement?

Answer: No. Section 602(a)(20) of the EHA-B requires the use of expenditures in the first preceding fiscal year in making these calculations. However, a rule of reason must prevail in implementing this requirement. In making initial calculations, it would be appropriate to use estimates and to subsequently adjust the figures, as financial information becomes available. Of course, audits will be based upon actual expenditures in the first preceding fiscal year.

8. Question: Does the excess cost requirement place a limitation on the use of EHA-B funds?

Answer: Yes. This is discussed at 34 CFR 300.186 which states that:

> (a) The excess cost requirement prevents a local educational agency from using funds provided under Part B of the Act to pay for all of the costs directly attributable to the education of a handicapped child, subject to paragraph (b) of this section.
>
> (b) The excess cost requirement does not prevent a local educational agency from using Part B funds to pay for all of the costs directly attributable to the education of a handicapped child in any of the age ranges three, four, five, eighteen, nineteen, twenty, or twenty-one, if no local or State funds are available for non-handicapped children in that age range. However, the local educational agency must comply with the non-supplanting and other requirements of [34 CFR Part 300] in providing education and services.

The regulations do not require an LEA to spend a specified amount on each handicapped child, as long as the LEA spends an aggregate minimum amount on the education of all of its handicapped children. However, the excess cost requirement prevents an LEA from using EHA-B funds to pay for all the costs directly attributable to a handicapped child -- except in the age ranges for which State and local funds are not available for serving non-handicapped children (see 34 CFR 300.186(b)).

9. Question: Can an LEA pay the costs of a handicapped preschool child's entire educational program with EHA-B funds?

Answer: Yes, provided that:

(1) The child is either three, four, or five years of age;
(2) No local or State funds are available for non-handicapped children of that age; and
(3) The LEA is in compliance with the nonsupplanting and other requirements of the EHA-B regulations. (See 34 CFR 300.186(b)).

10. Question: Which agencies must comply with the excess cost requirement?

Answer: The excess cost requirement under the EHA-B must be satisfied by each LEA and IEU that applies to an SEA for an EHA-B subgrant. In its application, the LEA or IEU must provide satisfactory assurance that EHA-B funds will be used to pay the excess costs directly attributable to the education of handicapped children (see Section 614(a)(2)(B)(i)).

The SEA is ultimately responsible for the implementation of the excess cost requirement because it has the responsibility for insuring that all of the EHA-B requirements are met (see 34 CFR 300.600). However, the excess cost provisions do not apply to the SEA. This exemption applies even in instances when the SEA is providing a free appropriate public education or direct services to handicapped children (see Section 613(b)) of the Act and 34 CFR 300.360(c)).

11. Question: Must an LEA or IEU maintain separate records to document compliance with the excess cost requirement?

Answer: No. LEAs and IEUs are not required to keep separate records, as long as existing records are adequate to show that the excess cost requirement has been met (i.e., that the LEA or IEU has spent at least the aggregate amount on the education of its handicapped children). For those students whose handicapping conditions allow for full-time placement in regular classes with only part-time special education services being provided outside of the regular educational program, the average minimum amount will be expended for each of these children because of their enrollment in regular classes. Attendance records, coupled with documentation such as the child's individualized education program, should be sufficient to show that the excess cost requirement has been met. For handicapped children who spend all or most of the school day in special education programs, other records might be necessary (e.g., records showing State and local expenditures for teachers' salaries, special materials, transportation, etc.).

Please contact us if you would like any further information on the excess cost requirement.

cc: Chief State School Officers
EHA-B Coordinators

STATE OF WASHINGTON
DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS | 1985-86 ALLOCATION @ $202.00 |
|---|---|---|---|---|
| 101 | 01109 | WASHTUCNA | 15 | 3030 |
| 101 | 01122 | BENGE | 0 | 0 |
| 101 | 01158 | LIND | 26 | 5252 |
| 101 | 01160 | RITZVILLE | 44 | 8888 |
| 101 | 10003 | KELLER | 2 | 404 |
| 101 | 10050 | CURLEW | 16 | 3232 |
| 101 | 10060 | HAZELMERE | 0 | 0 |
| 101 | 10065 | ORIENT | 15 | 3030 |
| 101 | 10070 | INCHELIUM | 17 | 3434 |
| 101 | 10309 | REPUBLIC | 44 | 8888 |
| 101 | 22008 | SPRAGUE | 15 | 3030 |
| 101 | 22009 | REARDAN | 63 | 12726 |
| 101 | 22017 | ALMIRA | 6 | 1212 |
| 101 | 22073 | CRESTON | 11 | 2222 |
| 101 | 22105 | ODESSA | 24 | 4848 |
| 101 | 22200 | WILBUR | 16 | 3232 |
| 101 | 22204 | HARRINGTON | 10 | 2020 |
| 101 | 22207 | DAVENPORT | 31 | 6262 |
| 101 | 26056 | NEWPORT | 111 | 22422 |
| 101 | 26059 | CUSICK | 60 | 12120 |
| 101 | 26070 | SELKIRK | 57 | 11514 |
| 101 | 32081 | SPOKANE | 2282 | 460964 |
| 101 | 32123 | ORCHARD PRAIRIE | 5 | 1010 |
| 101 | 32312 | GREAT NORTHERN | 4 | 808 |
| 101 | 32325 | NINE MILE FALLS | 89 | 17978 |
| 101 | 32326 | MEDICAL LAKE | 134 | 27068 |
| 101 | 32354 | MEAD | 499 | 100798 |
| 101 | 32356 | CENTRAL VALLEY | 1251 | 252702 |
| 101 | 32358 | FREEMAN | 0 | 0 |
| 101 | 32360 | CHENEY | 311 | 62822 |
| 101 | 32361 | EAST VALLEY | 0 | 0 |
| 101 | 32362 | LIBERTY | 70 | 14140 |
| 101 | 32363 | WEST VALLEY | 0 | 0 |
| 101 | 32414 | DEER PARK | 182 | 36764 |
| 101 | 32416 | RIVERSIDE | 190 | 38380 |
| 101 | 33030 | ONION CREEK | 7 | 1414 |
| 101 | 33036 | CHEWELAH | 96 | 19392 |

## STATE OF WASHINGTON
## DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS/1985-86 | ALLOCATION @ $202.00 |
|---|---|---|---|---|
| 101 | 33049 | WELLPINIT | 24 | 4848 |
| 101 | 33070 | VALLEY | 25 | 5050 |
| 101 | 33115 | COLVILLE | 190 | 38380 |
| 101 | 33183 | LOON LAKE | 3 | 606 |
| 101 | 33202 | SUMMIT VALLEY | 2 | 404 |
| 101 | 33205 | EVERGREEN | 1 | 202 |
| 101 | 33206 | COLUMBIA | 23 | 4646 |
| 101 | 33207 | MARY WALKER | 43 | 8686 |
| 101 | 33211 | NORTHPORT | 29 | 5858 |
| 101 | 33212 | KETTLE FALLS | 67 | 13534 |
| 101 | 38126 | LACROSSE JOINT | 11 | 2222 |
| 101 | 38264 | LAMONT | 6 | 1212 |
| 101 | 38265 | TEKOA | 27 | 5454 |
| 101 | 38267 | PULLMAN | 164 | 33128 |
| 101 | 38300 | COLFAX | 37 | 7474 |
| 101 | 38301 | PALOUSE | 10 | 2020 |
| 101 | 38302 | GARFIELD | 9 | 1818 |
| 101 | 38304 | STEPTOE | 0 | 0 |
| 101 | 38306 | COLTON | 21 | 4242 |
| 101 | 38308 | ENDICOTT | 11 | 2222 |
| 101 | 38320 | ROSALIA | 23 | 4646 |
| 101 | 38322 | ST. JOHN | 23 | 4646 |
| 101 | 38324 | OAKESDALE | 12 | 2424 |
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STATE OF WASHINGTON
DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS | 1985-86 ALLOCATION @ $202.00 |
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| 101 | 33183 | LOON LAKE | 3 | 606 |
| 101 | 33202 | SUMMIT VALLEY | 2 | 404 |
| 101 | 33205 | EVERGREEN | 1 | 202 |
| 101 | 33206 | COLUMBIA | 23 | 4646 |
| 101 | 33207 | MARY WALKER | 43 | 8686 |
| 101 | 33211 | NORTHPORT | 29 | 5858 |
| 101 | 33212 | KETTLE FALLS | 67 | 13534 |
| 101 | 38126 | LACROSSE JOINT | 11 | 2222 |
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STATE OF WASHINGTON

DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS/1985-86 | ALLOCATION @ $202.00 |
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| 105 | 13073 | WAHLUKE | 24 | 4848 |
| 105 | 13160 | ROYAL | 60 | 12120 |
| 105 | 19007 | DAMMAN | 0 | 0 |
| 105 | 19028 | EASTON | 5 | 1010 |
| 105 | 19400 | THORP | 0 | 0 |
| 105 | 19401 | ELLENSBURG | 278 | 56156 |
| 105 | 19403 | KITTITAS | 0 | 0 |
| 105 | 19404 | CLE ELUM-ROSLYN | 55 | 11110 |
| 105 | 20203 | BICKLETON | 7 | 1414 |
| 105 | 20404 | GOLDENDALE | 102 | 20604 |
| 105 | 39002 | UNION GAP | 52 | 10504 |
| 105 | 39003 | NACHES VALLEY | 121 | 24442 |
| 105 | 39007 | YAKIMA | 971 | 196142 |
| 105 | 39090 | MOXEE | 170 | 34340 |
| 105 | 39119 | SELAH | 213 | 43026 |
| 105 | 39120 | MABTON | 46 | 9292 |
| 105 | 39200 | GRANDVIEW | 145 | 29290 |
| 105 | 39201 | SUNNYSIDE | 231 | 46662 |
| 105 | 39202 | TOPPENISH | 191 | 38582 |
| 105 | 39203 | HIGHLAND | 97 | 19594 |
| 105 | 39204 | GRANGER | 51 | 10302 |
| 105 | 39205 | ZILLAH | 74 | 14948 |
| 105 | 39207 | WAPATO | 180 | 36360 |
| 105 | 39208 | WEST VALLEY | 319 | 64438 |
| 105 | 39209 | MOUNT ADAMS | 61 | 12322 |
|  |  |  | 3453 | 697506 |

STATE OF WASHINGTON
DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO DISTRICT | DISTRICT NAME | [illegible] | |
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## STATE OF WASHINGTON
## DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS/1985-86 | ALLOCATION @ $202.00 |
|---|---|---|---|---|
| 113 | 14005 | ABERDEEN | 980 | 197960 |
| 113 | 14028 | HOQUIAM | 0 | 0 |
| 113 | 14064 | NORTH BEACH | 0 | 0 |
| 113 | 14065 | MC CLEARY | 11 | 2222 |
| 113 | 14066 | MONTESANO | 0 | 0 |
| 113 | 14068 | ELMA | 196 | 39592 |
| 113 | 14077 | TAHOLAH | 0 | 0 |
| 113 | 14097 | QUINAULT | 0 | 0 |
| 113 | 14099 | COSMOPOLIS | 0 | 0 |
| 113 | 14104 | SATSOP | 0 | 0 |
| 113 | 14117 | WISHKAH VALLEY | 0 | 0 |
| 113 | 14172 | OCOSTA | 0 | 0 |
| 113 | 14400 | OAKVILLE | 19 | 3838 |
| 113 | 21014 | NAPAVINE | 37 | 7474 |
| 113 | 21018 | VADER | 0 | 0 |
| 113 | 21036 | EVALINE | 0 | 0 |
| 113 | 21206 | MOSSYROCK | 44 | 8888 |
| 113 | 21214 | MORTON | 26 | 5252 |
| 113 | 21226 | ADNA | 21 | 4242 |
| 113 | 21232 | WINLOCK | 43 | 8686 |
| 113 | 21234 | BOISTFORT | 0 | 0 |
| 113 | 21237 | TOLEDO | 55 | 11110 |
| 113 | 21300 | ONALASKA | 57 | 11514 |
| 113 | 21301 | PE ELL | 19 | 3838 |
| 113 | 21302 | CHEHALIS | 438 | 88476 |
| 113 | 21303 | WHITE PASS | 61 | 12322 |
| 113 | 21401 | CENTRALIA | 278 | 56156 |
| 113 | 23042 | SOUTHSIDE | 17 | 3434 |
| 113 | 23054 | GRAPEVIEW | 16 | 3232 |
| 113 | 23309 | SHELTON | 284 | 57368 |
| 113 | 23311 | MARY M. KNIGHT | 41 | 8282 |
| 113 | 23402 | PIONEER | 64 | 12928 |
| 113 | 23404 | HOOD CANAL | 39 | 7878 |
| 113 | 25116 | RAYMOND | 73 | 14746 |
| 113 | 25118 | SOUTH BEND | 83 | 16766 |
| 113 | 25160 | WILLAPA VALLEY | 42 | 8484 |
| 113 | 25200 | NORTH RIVER | 5 | 1010 |
| 113 | 34002 | YELM | 183 | 36966 |
| 113 | 34003 | NORTH THURSTON | 782 | 157964 |
| 113 | 34033 | TUMWATER | 221 | 44642 |

STATE OF WASHINGTON
DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS | 1985-86 ALLOCATION @ $202.00 |
|---|---|---|---|---|
| 113 | 34111 | OLYMPIA | 501 | 101202 |
| 113 | 34307 | RAINIER | 42 | 8484 |
| 113 | 34324 | GRIFFIN | 10 | 2020 |
| 113 | 34401 | ROCHESTER | 167 | 33734 |
| 113 | 34402 | TENINO | 104 | 21008 |
| 113 | 34801 | ESD 113 | 131 | 26462 |
|  |  |  | 5106 | 1031412 |

### STATE OF WASHINGTON
### DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS/1985-86 | ALLOCATION @ $202.00 |
|---|---|---|---|---|
| 113 | 34111 | OLYMPIA | 501 | 101202 |
| 113 | 34307 | RAINIER | 42 | 8484 |
| 113 | 34324 | GRIFFIN | 10 | 2020 |
| 113 | 34401 | ROCHESTER | 167 | 33734 |
| 113 | 34402 | TENINO | 104 | 21008 |
| 113 | 34801 | ESD 113 | 131 | 26462 |
| | | | 5106 | 1031412 |

## STATE OF WASHINGTON
## DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS/1985-86 | ALLOCATION @ $202.00 |
|---|---|---|---|---|
| 114 | 05121 | PORT ANGELES | 291 | 58782 |
| 114 | 05313 | CRESCENT | 18 | 3636 |
| 114 | 05323 | SEQUIM | 122 | 24644 |
| 114 | 05401 | CAPE FLATTERY | 56 | 11312 |
| 114 | 05402 | QUILLAYUTE VALLEY | 132 | 26664 |
| 114 | 16020 | QUEETS-CLEARWATER | 6 | 1212 |
| 114 | 16046 | BRINNON | 12 | 2424 |
| 114 | 16048 | QUILCENE | 6 | 1212 |
| 114 | 16049 | CHIMACUM | 57 | 11514 |
| 114 | 16050 | PORT TOWNSEND | 135 | 27270 |
| 114 | 18100 | BREMERTON | 448 | 90496 |
| 114 | 18400 | NORTH KITSAP | 583 | 117766 |
| 114 | 18401 | CENTRAL KITSAP | 668 | 134936 |
| 114 | 18402 | SOUTH KITSAP | 683 | 137966 |
| 114 | 23403 | NORTH MASON | 118 | 23836 |
|  |  |  | 3335 | 673670 |

## STATE OF WASHINGTON
## DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS/1985-86 | ALLOCATION @ $202.00 |
|---|---|---|---|---|
| 121 | 17001 | SEATTLE | 4275 | 863550 |
| 121 | 17210 | FEDERAL WAY | 1187 | 239774 |
| 121 | 17216 | ENUMCLAW | 254 | 51308 |
| 121 | 17400 | MERCER ISLAND | 196 | 39592 |
| 121 | 17401 | HIGHLINE | 1555 | 314110 |
| 121 | 17402 | VASHON ISLAND | 118 | 23836 |
| 121 | 17403 | RENTON | 1087 | 219574 |
| 121 | 17404 | SKYKOMISH | 14 | 2828 |
| 121 | 17405 | BELLEVUE | 1326 | 267852 |
| 121 | 17406 | SOUTH CENTRAL | 112 | 22624 |
| 121 | 17407 | LOWER SNOQUALMIE | 180 | 36360 |
| 121 | 17408 | AUBURN | 549 | 110898 |
| 121 | 17409 | TAHOMA | 292 | 58984 |
| 121 | 17410 | SNOQUALMIE VALLEY | 220 | 44440 |
| 121 | 17411 | ISSAQUAH | 707 | 142814 |
| 121 | 17412 | SHORELINE | 683 | 137966 |
| 121 | 17414 | LAKE WASHINGTON | 1081 | 218362 |
| 121 | 17415 | KENT | 1641 | 331482 |
| 121 | 17417 | NORTHSHORE | 842 | 170084 |
| 121 | 18303 | BAINBRIDGE | 227 | 45854 |
| 121 | 27001 | STEILACOOM HISTORICAL | 158 | 31916 |
| 121 | 27003 | PUYALLUP | 1084 | 218968 |
| 121 | 27010 | TACOMA | 3885 | 784770 |
| 121 | 27083 | UNIVERSITY PLACE | 159 | 32118 |
| 121 | 27320 | SUMNER | 492 | 99384 |
| 121 | 27343 | DIERINGER | 71 | 14342 |
| 121 | 27344 | ORTING | 96 | 19392 |
| 121 | 27400 | CLOVER PARK | 1035 | 209070 |
| 121 | 27401 | PENINSULA | 431 | 87062 |
| 121 | 27402 | FRANKLIN PIERCE | 471 | 95142 |
| 121 | 27403 | BETHEL | 845 | 170690 |
| 121 | 27404 | EATONVILLE | 110 | 22220 |
| 121 | 27406 | CARBONADO | 8 | 1616 |
| 121 | 27416 | WHITE RIVER | 181 | 36562 |
| 121 | 27417 | FIFE | 143 | 28886 |
|  |  |  | 25715 | 5194430 |

## STATE OF WASHINGTON
## DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS/1985-86 | ALLOCATION @ $202.00 |
|---|---|---|---|---|
| 121 | 17001 | SEATTLE | 4275 | 863550 |
| 121 | 17210 | FEDERAL WAY | 1187 | 239774 |
| 121 | 17216 | ENUMCLAW | 254 | 51308 |
| 121 | 17400 | MERCER ISLAND | 196 | 39592 |
| 121 | 17401 | HIGHLINE | 1555 | 314110 |
| 121 | 17402 | VASHON ISLAND | 118 | 23836 |
| 121 | 17403 | RENTON | 1087 | 219574 |
| 121 | 17404 | SKYKOMISH | 14 | 2828 |
| 121 | 17405 | BELLEVUE | 1326 | 267852 |
| 121 | 17406 | SOUTH CENTRAL | 112 | 22624 |
| 121 | 17407 | LOWER SNOQUALMIE | 180 | 36360 |
| 121 | 17408 | AUBURN | 549 | 110898 |
| 121 | 17409 | TAHOMA | 292 | 58984 |
| 121 | 17410 | SNOQUALMIE VALLEY | 220 | 44440 |
| 121 | 17411 | ISSAQUAH | 707 | 142814 |
| 121 | 17412 | SHORELINE | 683 | 137966 |
| 121 | 17414 | LAKE WASHINGTON | 1081 | 218362 |
| 121 | 17415 | KENT | 1641 | 331482 |
| 121 | 17417 | NORTHSHORE | 842 | 170084 |
| 121 | 18303 | BAINBRIDGE | 227 | 45854 |
| 121 | 27001 | STEILACOOM HISTORICAL | 158 | 31916 |
| 121 | 27003 | PUYALLUP | 1084 | 218968 |
| 121 | 27010 | TACOMA | 3885 | 784770 |
| 121 | 27083 | UNIVERSITY PLACE | 159 | 32118 |
| 121 | 27320 | SUMNER | 492 | 99384 |
| 121 | 27343 | DIERINGER | 71 | 14342 |
| 121 | 27344 | ORTING | 96 | 19392 |
| 121 | 27400 | CLOVER PARK | 1035 | 209070 |
| 121 | 27401 | PENINSULA | 431 | 87062 |
| 121 | 27402 | FRANKLIN PIERCE | 471 | 95142 |
| 121 | 27403 | BETHEL | 845 | 170690 |
| 121 | 27404 | EATONVILLE | 110 | 22220 |
| 121 | 27406 | CARBONADO | 8 | 1616 |
| 121 | 27416 | WHITE RIVER | 181 | 36562 |
| 121 | 27417 | FIFE | 143 | 28886 |
|  |  |  | 25715 | 5194430 |

# STATE OF WASHINGTON

## DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS/1985-86 | ALLOCATION @ $202.00 |
|---|---|---|---|---|
| 123 | 01147 | OTHELLO | 164 | 33128 |
| 123 | 02250 | CLARKSTON | 347 | 70094 |
| 123 | 02420 | ASOTIN-ANATONE | 30 | 6060 |
| 123 | 03017 | KENNEWICK | 801 | 161802 |
| 123 | 03050 | PATERSON | 1 | 202 |
| 123 | 03052 | KIONA BENTON | 142 | 28684 |
| 123 | 03053 | FINLEY | 44 | 8888 |
| 123 | 03116 | PROSSER | 195 | 39390 |
| 123 | 03400 | RICHLAND | 499 | 100798 |
| 123 | 07002 | DAYTON | 66 | 13332 |
| 123 | 07035 | STARBUCK | 8 | 1616 |
| 123 | 11001 | PASCO | 502 | 101404 |
| 123 | 11051 | NORTH FRANKLIN | 138 | 27876 |
| 123 | 11054 | STAR | 1 | 202 |
| 123 | 11056 | KAHLOTUS | 10 | 2020 |
| 123 | 12110 | POMEROY | 36 | 7272 |
| 123 | 36101 | DIXIE | 5 | 1010 |
| 123 | 36140 | WALLA WALLA | 399 | 80598 |
| 123 | 36250 | COLLEGE PLACE | 45 | 9090 |
| 123 | 36300 | TOUCHET | 10 | 2020 |
| 123 | 36400 | COLUMBIA | 63 | 12726 |
| 123 | 36401 | WAITSBURG | 16 | 3232 |
| 123 | 36402 | PRESCOTT | 19 | 3838 |
| 123 | 36801 | ESD 123 | 11 | 2222 |
|  |  |  | 3552 | 717504 |

STATE OF WASHINGTON
DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS/1985-86 | ALLOCATION @ $202.00 |
|---|---|---|---|---|
| 171 | 04069 | STEHEKIN | 0 | 0 |
| 171 | 04246 | WENATCHEE | 788 | 159176 |
| 171 | 09075 | BRIDGEPORT | 25 | 5050 |
| 171 | 09207 | MANSFIELD | 11 | 2222 |
| 171 | 13146 | WARDEN | 80 | 16160 |
| 171 | 13151 | COULEE/HARTLINE | 25 | 5050 |
| 171 | 13161 | MOSES LAKE | 376 | 75952 |
| 171 | 13165 | EPHRATA | 301 | 60802 |
| 171 | 13167 | WILSON CREEK | 11 | 2222 |
| 171 | 13301 | GRAND COULEE DAM | 125 | 25250 |
| 171 | 24014 | NESPELEM | 27 | 5454 |
| 171 | 24019 | OMAK | 160 | 32320 |
| 171 | 24105 | OKANOGAN | 84 | 16968 |
| 171 | 24111 | BREWSTER | 49 | 9898 |
| 171 | 24122 | PATEROS | 19 | 3838 |
| 171 | 24350 | METHOW VALLEY | 65 | 13130 |
| 171 | 24404 | TONASKET | 92 | 18584 |
| 171 | 24410 | OROVILLE | 72 | 14544 |
|  |  |  | 2310 | 466620 |

STATE OF WASHINGTON
DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS/1985-86 | ALLOCATION @ $202.00 |
|---|---|---|---|---|
| 171 | 04069 | STEHEKIN | 0 | 0 |
| 171 | 04246 | WENATCHEE | 788 | 159176 |
| 171 | 09075 | BRIDGEPORT | 25 | 5050 |
| 171 | 09207 | MANSFIELD | 11 | 2222 |
| 171 | 13146 | WARDEN | 80 | 16160 |
| 171 | 13151 | COULEE/HARTLINE | 25 | 5050 |
| 171 | 13161 | MOSES LAKE | 376 | 75952 |
| 171 | 13165 | EPHRATA | 301 | 60802 |
| 171 | 13167 | WILSON CREEK | 11 | 2222 |
| 171 | 13301 | GRAND COULEE DAM | 125 | 25250 |
| 171 | 24014 | NESPELEM | 27 | 5454 |
| 171 | 24019 | OMAK | 160 | 32320 |
| 171 | 24105 | OKANOGAN | 84 | 16968 |
| 171 | 24111 | BREWSTER | 49 | 9898 |
| 171 | 24122 | PATEROS | 19 | 3838 |
| 171 | 24350 | METHOW VALLEY | 65 | 13130 |
| 171 | 24404 | TONASKET | 92 | 18584 |
| 171 | 24410 | OROVILLE | 72 | 14544 |
|  |  |  | 2310 | 466620 |

STATE OF WASHINGTON
DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

| ESD | CO-DISTRICT | DISTRICT NAME | # STUDENTS/1985-86 | ALLOCATION @ $202.00 |
|---|---|---|---|---|
| 189 | 15201 | OAK HARBOR | 308 | 62216 |
| 189 | 15204 | COUPEVILLE | 53 | 10706 |
| 189 | 15206 | SOUTH WHIDBEY | 68 | 13736 |
| 189 | 28010 | SHAW | 0 | 0 |
| 189 | 28137 | ORCAS | 24 | 4848 |
| 189 | 28144 | LOPEZ | 13 | 2626 |
| 189 | 28149 | SAN JUAN | 40 | 8080 |
| 189 | 29011 | CONCRETE | 52 | 10504 |
| 189 | 29100 | BURLINGTON EDISON | 215 | 43430 |
| 189 | 29101 | SEDRO WOOLLEY | 243 | 49086 |
| 189 | 29103 | ANACORTES | 161 | 32522 |
| 189 | 29311 | LA CONNER | 54 | 10908 |
| 189 | 29320 | MOUNT VERNON | 228 | 46056 |
| 189 | 31002 | EVERETT | 878 | 177356 |
| 189 | 31004 | LAKE STEVENS | 319 | 64438 |
| 189 | 31006 | MUKILTEO | 500 | 101000 |
| 189 | 31015 | EDMONDS | 1585 | 320170 |
| 189 | 31016 | ARLINGTON | 310 | 62620 |
| 189 | 31025 | MARYSVILLE | 661 | 133522 |
| 189 | 31063 | INDEX | 0 | 0 |
| 189 | 31103 | MONROE | 237 | 47874 |
| 189 | 31201 | SNOHOMISH | 438 | 88476 |
| 189 | 31306 | LAKEWOOD | 102 | 20604 |
| 189 | 31311 | SULTAN | 109 | 22018 |
| 189 | 31330 | DARRINGTON | 32 | 6464 |
| 189 | 31332 | GRANITE FALLS | 113 | 22826 |
| 189 | 31401 | STANWOOD | 116 | 23432 |
| 189 | 37501 | BELLINGHAM | 618 | 124836 |
| 189 | 37502 | FERNDALE | 288 | 58176 |
| 189 | 37503 | BLAINE | 88 | 17776 |
| 189 | 37504 | LYNDEN | 110 | 22220 |
| 189 | 37505 | MERIDIAN | 120 | 24240 |
| 189 | 37506 | NOOKSACK VALLEY | 82 | 16564 |
| 189 | 37507 | MOUNT BAKER | 103 | 20806 |
| 189 | 29801 | ESD 189 | 86 | 17372 |
|  |  |  | 8354 | 1687508 |
|  |  | Grand Total | 64,109 | 12950018 |

# APPENDIX G

## SERIOUS BEHAVIOR DISABILITIES STUDY

# SERIOUS BEHAVIOR DISABILITIES:
# A STUDY OF STATEWIDE IDENTIFICATION
# AND SERVICE DELIVERY TO CHILDREN
# AND YOUTH

Final Report to the
Division of Special Services
and Professional Programs

Special Education Section

Office of the Superintendent
of Public Instruction

SUBMITTED BY:

Norris G. Haring
John P. Jewell
Thomas W. Lehning
Gregory J. Williams
Owen R. White

ASSISTED BY:

James B. Pruess, Michael Boer, Vicki E. Morrell, and Thomas Cone

The Project Staff thanks Jane Kortameier, Susan Isoshima,
and all those who participated in the Task Force.

January 1986
(Sixth Draft)

## EXECUTIVE SUMMARY

In the state of Washington, school administrators, teachers, parents, and legislators have expressed concern about students with serious behavior disabilities or disorders, and the variety of problems that are compounded by such disabilities (e.g., academic failure, drop-outs, expulsions and suspensions, classroom discipline, and lawbreaking). Washington State is not alone in its concerns. Although federal law mandates that the public schools provide these students with an appropriate education, a variety of nationwide studies have shown that large numbers of students with serious behavior disabilities are not receiving the services they need. As a result, the U.S. Department of Education's Office of Special Education and Rehabilitative Services has recently declared behavior disabilities to be a top priority for investigation.

In response to these state and national concerns, the Office of the Superintendent of Public Instruction (OSPI) provided grant support to the University of Washington and the Highline School District to conduct a "Study of Statewide Identification and Service Delivery to Children and Youth with Serious Behavior Disabilities." The study had the following specific objectives:

1. To estimate the number of children and youth with serious behavior disabilities in the state who are not being served or who are being served inadequately or inappropriately.

2. To examine current Washington State practices for educating these students with SBD.

3. To investigate nationwide model practices for educating students with SBD which might have a positive impact in Washington State.

4. To examine the role and relationship between schools and agencies in order to identify those practices most likely to promote successful cooperative management.

5. To assemble a final report including analysis of all available data and recommendations for program improvement.

### Research Design

In order to provide the information required to meet Objectives 1 and 2 of this study, project staff conducted a survey of educators serving students with serious behavior disabilities around the state. An initial needs questionnaire was mailed to every school district in the state which reported offering services to these students; it was designed to provide general data on needs, priorities, opinions, and concerns. Based on responses to this survey, additional questionnaires were constructed to collect more detailed information: one for administrators, one for special education teachers, one for regular education teachers, and one for assessment personnel.

Results of the surveys were supplemented by comparing them to state education data and the results of similar studies nationwide. Verification of

survey responses was based on the results of interviews with administrators, school psychologists, social workers, counselors, and others, and checks of randomly selected student files during on-site visits to 15 school districts. In addition, 24 agencies or programs in Washington State that served these children and youth made presentations to and were reviewed by the project staff and the project task force. The project staff also reviewed exemplary programs in other states, and selected Colorado, Georgia, Idaho, Iowa, Utah, and Vermont as examples of states with comprehensive service delivery systems for this population. (Information on selection of the study samples is presented in the "Research Design" section of the full report.)

## Questionnaire Results

The administrators' questionnaire covered the topics of state and federal laws and definitions, assessment strategies, program settings, relations with nonschool agencies, theoretical approaches, needs of students with mild/moderate behavior disabilities, inservice training priorities, and model practices. The special education teachers' questionnaire addressed student population served, support services, curricula and materials used, assessment and evaluation procedures, intervention strategies, inservice training needs, model practices, and suggested improvements.

The assessment/support personnel questionnaire was identical to the administrators' questionnaire except for six additional questions which were suggested by assessment personnel on the task force.

The fourth questionnaire was sent to regular education personnel. This questionnaire was to a great extent similar to that completed by special education teachers.

Analysis of responses to the surveys revealed four areas of need. These corresponded with the findings of similar studies at the national level and included:

1. A need for agreement in regard to identification and eligibility criteria for students with serious behavior disabilities. There was confusion regarding the state and federal definitions and their relation to each other, as well as the criteria for identifying and serving students. However, project staff believe it is appropriate to retain the current state definition for serious behavior disabilities and recommend emphasis on developing reliable, statewide eligibility criteria for services.

2. A need to develop and implement a statewide comprehensive assessment procedure. Survey results indicated a lack of consensus among administrators and assessment personnel with regard to the sufficiency of the Washington Administrative Code delineation of the procedures for student behavior assessment. Data also indicated the following related concerns: Discrepancies among districts in determination of which students receive special education services and which do not; more frequent identification of students with externalizing behavior disorders, as opposed to internalizing ones; discrepancies between the number of students with serious behavior

disabilities now served in Washington and (a) the numbers served in other states, and (b) the number of students which survey respondents felt were actually in need of services. This study indicates that the Washington Administrative Code (WAC) does not provide sufficient guidance for a sizable proportion of the state's administrative and assessment personnel.

3. A need to develop and implement a statewide comprehensive management plan. In placement, assessment, training, and other areas, survey results indicated an inconsistent application of current best practices in the field. For example, although some progress has been made, Washington districts continue to serve students in more restrictive settings than may be necessary (e.g., self-contained classrooms). The technology exists to serve many more students in integrated classrooms, but there is no evidence that it is being consistently used.

4. A need to identify the nature, content, and dissemination methods of training for school staff. Inservice training for professionals is a priority at both the state and national levels. Teachers, administrators, and assessment personnel placed the highest priority on direct intervention strategies, tactics, and program options such as behavior management, social skills, counseling, and mainstreaming. Administrators also identified a need for inservice related to comprehensive management (i.e., service delivery options).

## Major Issues

An objective that the task force was charged to meet involved estimation of the number of children and youth in the state who are not being served or are being served inadequately or inappropriately.

Data from state figures indicate that the overall prevalence of students served in the state has steadily declined since 1977 (by 33%) while the national figures have increased by approximately 25%. Currently 3400 or about one-half of 1% of the student population is being served in the K-12 grades. The survey asked respondents to estimate the number of students who needed special services but were not eligible for them. Their estimates totaled over 14,000 students. In other words, survey respondents felt that actually about 2.5% of the student population is in need of services.

On-site interviews were conducted to seek further information on those students who exhibit significant problematic behaviors. This population of students with SBD falls into a range of categories, from students who are not eligible under current guidelines and are therefore not receiving services, to students who are certainly eligible yet are not being served, as well as students who are eligible and receiving services under the current guidelines.

A second objective of the task force was to examine current Washington State practices for educating students with serious behavior disabilities. Relative to this charge, several trends emerged. First, criteria which are used to determine eligibility for receiving special services were idiosyncratic to each district, multidisciplinary team (MDT), and even to which school psychologist conducted the assessment. Data compiled and analyzed from the questionnaires, during the on-site visits, and from a random selection of student files revealed an emphasis on intellectual and academic functioning and projective instruments (e.g., TAT, Rorschach, Sentence Completion, Kinetic Family Drawing, House-Tree-Person), with a few MDTs utilizing behavioral rating scales (e.g., Walker, Devereaux). Emphasis on systematic assessments of behavior was the exception rather than the rule. While anecdotal behavioral observations were used, very few systematic observational formats were utilized for this process. Results of assessment were not typically converted into measurable behavioral outcomes useful for teacher interventions in the classroom. Since very reliable behavioral assessment scales are available to use in identification and assessment, a greater emphasis could be placed on those quantitative measures as well as other systematic observational formats.

Second, there was a lack of consistent and systematic assessment procedures across districts. Optimally, assessment should generate information and data that are useful in planning handicapped student programs. Project staff learned from on-site interviews that different assessment procedures were utilized in different districts. Typically, teachers referred students to MDT personnel, which resulted in a greater number of externalizing students rather than internalizing ones. Because of this bias in identification, we do not know the ratio of externalizing students to internalizing ones in the state of Washington. Some investigations (Achenbach & Edlebrock, 1978; Ross, 1974; Walker, in press) indicate that the nationwide ratio is 50/50.

It is reasonable to assume that both valid and reliable assessment strategies exist (Smith, 1985; Walker et al., in press). It would be beneficial for the state to develop a comprehensive statewide assesssment procedure, using these strategies, which would reliably identify a consistent SBD population in districts across the state.

Third, there was a lack of an organizing framework or model for delivery of services. Such a model would emphasize consistent procedures for initial screening and assessment, a process for selecting placement options, the development of individualized behavior strategies, and provision for appropriate training and resources.

As discussed above, there is inconsistency in the screening process in Washington. In the majority of cases, screening was accomplished through teacher identification and referral. As a result, students with "acting out" or externalizing behaviors were more frequently referred, assessed, and served than those exhibiting more internalized behavior problems. Even within the group exhibiting externalizing behaviors, there were differences between districts in the determination of which students received services and which did not.

Analysis of the questionnaires indicated that once screening and assessment were accomplished a variety of processes were used to determine placement options. Resource, self-contained, and mainstream classes were the options most utilized. There was little consensus on how "least restrictive environment" was determined. Data also indicated a continued emphasis on service in more restrictive settings.

On-site interviews indicated that placement options, either self-contained or resource, are hampered by restrictive funding. This was cited as a major obstacle to providing more comprehensive management options. Fourth, respondents to the questionnaires perceived inservice training (a vital component of any comprehensive plan) as a "weak link." ESDs in most cases provided some inservice training, but it was usually oriented toward responding to emergencies rather than a systematically developed plan. In addition, not all schools received the same amount of attention. Results from on-site interviews indicated a need for training in how to implement classroom management and social skills training.

The project staff also reviewed systems used in other states. In regard to this population, and special needs students in general, Colorado provides a model of exemplary interagency cooperation. There is a system of joint interagency programming that enables a student to receive all services over a period of time without gaps occurring in regard to meeting the student's total program needs. Colorado also has an excellent, comprehensive set of interagency agreements (see Appendix C). In addition, the Colorado legislature has provided a special state revenue fund to be used as a supplementary source of funding by all state agencies serving handicapped students. This fund is activated whenever authorized funding for an individual student's special needs becomes insufficient. This system of interagency cooperation has been so successful that Colorado has been able to develop procedures for returning students initially sent out-of-state to receive services back to the state once more to be served as close to their homes as possible.

## Task Force Recommendations

The task force appointed four working committees (Comprehensive Management, Identification and Assessment, Interagency Services, Parent Advocacy) to review the findings of the study. Each committee submitted recommendations to the task force for consideration. The task force has reviewed these recommendations and reformulated them into the following list of recommendations that represent a consensus on the major issues:

### Identification, Eligibility, and Assessment

1. OSPI, educational service districts (ESDs), and local school districts should at least initiate the following by the end of the 1985-86 school year:

    1.1 Determine the feasibility and appropriateness of a multiple gating screening procedure and, if appropriate, support its application throughout the state.

    1.2 Support this procedure for use with secondary-level students, if appropriate.

    1.3 Develop a technical manual that includes a sample of current practices for use in determining the eligibility of students for special services according to the category of "serious behavior disabilities."

1.4 Give attention to early intervention as a consequence of identification, as well as other remediating prereferral conditions.

2. OSPI, ESDs, and local school districts should develop and implement statewide comprehensive assessment procedures by accomplishing the following tasks:

   2.1 Compile an annotated technical assistance manual to assist MDT personnel statewide in making programming/placement decisions.

   2.2 Develop guidelines for assessment that emphasize the collection of pertinent data (e.g., medical, cognitive, behavioral) in the form of measurable assessment outcomes that can be converted by teachers and other service providers into effective educational practices, regardless of the particular assessment strategy selected for use.

Comprehensive Management and Interagency Coordination

3. OSPI, ESDs, and school districts should develop guidelines to ensure an adequate number of program options and related services for all students with serious behavior disabilities. It is further recommended that:

   3.1 Individual students should be placed in the least restrictive setting(s) and as close to their homes as possible when able to perform satisfactorily in those environments even though the need for a full range of placement options must be recognized.

   3.2 Individual student programs should be based upon goals and objectives identified by assessment procedures, with an emphasis upon measurable behavioral outcomes.

   3.3. Individual student programs should be comprehensive and should cover the areas of environmental management, behavior management, academics, affective education, counseling, and continuous assessment of student progress.

4. OSPI should establish a joint committee with the Department of Social and Health Services (DSHS) in order to develop and implement the following:

   4.1 A set of comprehensive, formal, and legal agreements among all agencies that serve students with serious behavioral disabilities.

   4.2 A model of interagency service delivery within each ESD or DSHS service region such as that used in other states (e.g., Colorado) that will also eliminate the need for out-of-state placement by the development of programs to serve "high cost," "hard-to-place" students as near to their homes as possible.

   4.3 A statewide interagency data base that would include information about services available through each agency.

5. WAC 392-171 provides for assistance to parents of students with SBD.

While this provision is available through state law, it is not always implemented. There should be a plan for such implementation.

5.1 OSPI should assure implementation by developing procedures for a full-service delivery system of support for parents and other family members.

5.2 OSPI should develop guidelines that assure parents equal participation in their children's educational planning.

### Inservice Training

6. OSPI should develop a statewide system of both preservice and inservice training for all personnel who provide services to students with serious behavior disabilities.

6.1 There should be training for special education personnel in the areas of screening, assessment, programming, intervention stategies, curriculum development, and generalization strategies.

6.2 There should be training for regular education teachers (identification, tolerance, teacher competencies).

6.3 There should be training for regular education principals and building administrators (management of in-house inservice training, comprehensive service delivery plans).

6.4 There should be training to provide sufficient numbers of support personnel.

### Implementation and Monitoring

The task force and its working committees include 76 persons who have devoted nearly two years of effort to this project. Thus, members of the task force feel that the results of the study warrant the establishment of a special committee made up of representatives of the task force itself. This committee will be responsible for seeing that the above recommendations are implemented. At least one person from each working committee will be represented to ensure that the special committee's membership reflect the broad spectrum of individuals concerned with the well-being of children and youth with serious behavior disabilities. In addition, the task force recommends that a full-time, interagency staff person be charged with the responsibility of monitoring the implementation of the recommendations.

# APPENDIX H

# TECHNICAL AMMENDMENTS

# AMENDMENTS TO

# STATE OF WASHINGTON

# THREE YEAR PROGRAM PLAN

# PUBLIC LAW 94-142

# PROVIDING PROGRAMS AND SERVICES TO CHILDREN WITH HANDICAPPING CONDITIONS

# 1987 - 1989

**Submitted:** June 17, 1986

This document amends and supports the 1987-89 State Plan submitted by the State of Washington pursuant to the requirements of the Education of the Handicapped Act, Title VI-B.

This information was requested of Dr. Greg Kirsch, Director of Special Education via phone by Mr. Ray Miner.

**INQUIRY 1:** Describe the State of Washington's process for distribution of Title VI-B funds to local school districts and other recipients.

The following describes the distribution process for federal funding received by the State of Washington under EHA Title VI-B.

**Discretionary Funds:**

**Regional "B" Fund.**

Each ESD is allocated a fund based on the total state handicapped enrollment for distribution to local school district for direct service and inservice needs. Each Educational Service District designates a committee to review applications for these funds against the criteria established by the committee, based on SEA requirements. The approved applications are forwarded to the SEA Special Education Supervisor assigned as liaison with each region. Once approved at that level, they are approved by the State Director of Special Education and finally by the Assistant Superintendent, Office of Superintendent of Public Instruction (SPI). Funds are distributed by SPI on a reimbursement basis.

**Emergency "A" Fund.**

A block of funds is set aside at the state level for extraordinary costs experienced by local school districts in the provision of special education and related services to high-cost low-incidence handicapped children. Local school districts make application for these funds through a committee at the ESD level. Following approval by this committee, the application is forwarded to the SPI for review by the regional supervisor. Applications are reviewed for their appropriateness for this category of funding and approved or disapproved. Following approval they are forwarded to the State Director and to the Assistant Superintendent for approval.

**Educational Service District Special Education Inservice Coordinators.**

Each of the nine Educational Service Districts in the state is invited annually to apply for funding for at least one position for a Special Education Inservice Coordinator. One metropolitan ESD is granted two Inservice Coordinators to compensate for the additional work load experienced. Inservice Coordinators carry out programs of inservice training and assist in the Program Reveiw and Monitoring process of LEAs. ESDs submit their grant applications to the Coordinator of Title VI-B for reveiw. Following approval, these are forwarded to the State Director and to the Assistant Superintendent for final approval. The request for application lists the specific functions that are to be carried out by the project and the amount of funding available on a regional basis.

**Adoption Grants.**

A fund is set aside for LEAs and ESDs to fund the adoption of National Diffusion Network approved projects at the local and regional level. The request for proposals for these funds is distributed in the spring to all eligible recipients, listing the NDN approved projects that will be considered for funding. Applications are reviewed by a field-based committee and forwarded to the Coordinator of Title VI-B for approval. Following approval, proposals are forwarded to the Director of Special Education and the Assistant Superintendent for final approval.

**Title VI-B state priority Competetive Grants.**

Based on field input the SEA establishes priority areas for the use of these funds. SEA staff are responsible for the development of specifications for Requests for Quotation (RFQs) from local school districts, Educational Service Districts and institutions of higher education. Specifications list the scope of the project and the performance standards for completion. Applicants respond with timelines, action plan, and personnel (as indicated) to complete the project and make a cost quotation. These quotations are reviewed by a field-based committee for recommendation to the Coordinator of Title VI-B. Following approval they are forwarded to the Director of Special Education and the Assistant Superintendent for final approval.

**State Needs.**

A fund is set aside at the state level to allow for the funding of state priorities at the discretion of the Assistant Superintendent. Such projects reflect the needs that have statewide implication or respond to an individual extraordinary LEA or ESD emergency. Application is made directly to the Assistant Superintendent after discussion with the applicant agency. Each application is reviewed or negotiated by the Coordinator of Title VI-B and forwarded to the Assistant Superintendent for final approval.

**INQUIRY 2:** How does the SEA insure that adequate childfind procedures are in place in the LEAs?

Childfind is addressed in the LEA Special Education policies and procedures which are submitted by LEAs as a part of the annual application for Title VI-B funds. These policies and procedures have been reviewed at the Educational Service District and again at the SEA level and found to meet compliance requirements of WAC 392-171-336 (i.e. Childfind screening, and public awareness of Childfind efforts).

The Title VI-B application requires that a Childfind procedure be developed and placed on file with the SEA as a part of the application for federal funds.

There is a Childfind Coordinator located at each ESD office whose primary function is to monitor and coordinate Childfind activities throughout the ESD.

The monthly enrollment report of handicapped children (P-223H) is used to monitor increasing child counts in each LEA as a result of Childfind activities.

The program observation activity in the Monitoring Procedure gives the LEA an opportunity to demonstrate the Childfind programs to ESD and SEA observers during monitoring site visitation.

**INQUIRY 3:** How does the SEA determine which children are or are not receiving Special Education?

The monthly handicapped child enrollment report (P-223H) indicates the number of students for which the district is claiming state special education funding. The special education monitoring process requires that districts submit special education class lists to document the students reported on the P-223H. Student files are selected following a review of these lists and selected students are tracked through the program service delivery system. The file is reviewed for a current IEP and the classroom visitation activity confirms with students enrollment and participation in the special education program. The parent interview process gives the compliance monitoring team an opportunity to verify the type and amount of special education and related services the child is receiving.

**INQUIRY 4:** Describe the methods and procedures the SEA uses to insure that the IEP requirements are being met in the LEAs.

Monitoring activities include a review of the process of IEP development for a selected sample of students in each district monitoring. The monitoring procedures require recording procedural requirements of IEP development. Each file is reviewed to determine if the recommendations of the multidisciplinary team were considered in the development of the IEP, if the parents participated in the development of the IEP. Classroom visitations allow the monitoring team to review the record keeping systems used to demonstrate the students' progress through the specific objectives list on the IEP. Program visitations allow the monitoring team to observe the success implementation of the IEP goals and objectives.

**INQUIRY 5:** Describe how the SEA ensures that local districts are successfully carrying out their Surrogate Parent responsibilities.

The LEA Surrogate Parent responsiblities are monitored through a review of the LEA policies and procedures which are submitted with the annual application for Title VI-B flow through funds. WAC 392-171-581 requires that the LEA assign a surrogate parent to a student to assure the student's rights are protected in cases where no parent can be identified, no parent can be located, or the student is a ward of the state.

**INQUIRY 6:** How does the SEA monitor the LRE requirment in LEAs?

The special education monitoring file review indicates progamming recommendations from the assessment summary. The process review indicates placement consideration and options considered and rejected. The IEP is reviewed for services provided and the LRE assurance statement. Classroom visitations allow an opportunity to observe the services provided and the conditions of LRE.

The Special Education Monitoring Manual, mailed under separate cover, will demonstrate the process of cross section monitoring of special education process. The file review yields an observation of the content of the process in outcomes, and the classroom observations are an opportunity to evaluate the overall effectiveness of the program delivery. Effectiveness in student outcomes is measured by the completion of IEP goals and objectives.

**INQUIRY 7:** How does the SEA monitor/insure annual notice requirements for confidentiality?

Annual notice requirements are verified through the file review and process review compliance activities. WAC 392-171-636 provides for the maintenence of the confidentiality of personally identifiable information. Confidentiality of information is verified through LEA policies and procedures submitted with the annual application for Title VI-B funds, district designee assignments, file access logs, and assurance statements on the parent rights forms (each area observed in the compliance monitoring process).

**INQUIRY 8:** Describe the regulation or process for ensuring that hearing results are sent to the Special Education Advisory Council.

Hearing results are forwarded from the Office of Administrative Hearings (an independent state agency) to the Office of Legal Services, Office of Superintendent of Public Instruction, and from there to the Coordinator for Hearings and Complaints, Special Education Section. At that point the results are summarized and distributed to the Educational Service District Directors of Special Education for distribution to or discussion with local school districts. The Coordinator of Hearings and Complaints summarizes hearings for the Special Education Advisory Council and discusses the points of each case at general membership meetings.

**INQUIRY 9:** Project that the number of districts submitting consolidated applications will remain constant for the next three years.

Population growth in the State of Washington is centering in the suburban areas around the metropolitan areas. Little to no change is anticipated in either the number of districts which currently submit consolidated applications or the number of districts in consolidated applications which would submit their own applications in the future.

**INQUIRY 10:** Describe the process of LEA Annual Application Reveiw.

Local Education Agency applications for Title VI-B flow through funds are received initally by the Educational Service District serving the region in which the LEA is located. The Director of Special Education in each ESD is charged with the responsibility of reviewing each application for completeness, compliance with federal and state requirements, inclusion of required policy and proceudres, and program appropriateness. Once approved by the ESD, the application is forwarded to the Office of Superintendent of Public Instruction where it is reviewed by the Special Education Supervisor assigned to each region. Approved applications are forwarded to the Director of Special Education and upon approval, forwarded to the Assistant Superintendent, Division of Special Services for final approval and development of a grant award. Revisions to the original application are reviewed through the same process.

____ Program Monitoring ____ Verification

## SPECIAL EDUCATION POLICY REVIEW

District ____________________ Administrative Representative ____________________

Reviewer ______________________________________________ Date ____________

| Criteria | Comments |
|---|---|

**Free Appropriate Public Education Policy (FAPE)**

Y N 1. Includes special education and related services.
Y N 2. Includes students preschool-21 years.
Y N 3. Special education and related services provided at public expense and without charge.

(WAC 392-171-300, 310, 315, 320, 325)

**Full Educational Opportunity Goal Policy (FEOG)**

Y N 1. Comparable facilities.
Y N 2. Equal access to personnel.
Y N 3. Equal access to school services.
Y N 4. Comparable program length--ESY option.

(WAC 392-171-300, 325, 646-686, 701-721)

**Childfind Policy**

Y N 1. Implementation of awareness activities.
Y N 2. Implementation of screening activities.
Y N 3. LEA designee for child identification activities.

(WAC 392-171-336)

**Confidentiality Policy**

Y N 1. Notice of rights to privacy.
Y N 2. Access rights.
Y N 3. Record of access.
Y N 4. Records on more than one student.
Y N 5. Location of information.
Y N 6. Fees.
Y N 7. Amendment of records.
Y N 8. Opportunity for hearing.
Y N 9. Consent for release of information.

Criteria . Comments

Confidentiality Policy (Continued)

Y N 10. Safeguards.
Y N 11. Destruction of records.
Y N 12. LEA designee for confidentiality of information.

(WAC 392-171-596, 641, 691)

Personnel Development Policy

Y N 1. Evidence of participation in state CSPD/ district special education inservice plan.

(WAC 392-171-691)

Parent Involvement Policy

Y N 1. Evidence that the LEA provides for participation of and consultation with parent(s) or guardian(s) of handicapped students.

(WAC 392-171-314, 461, 371-386, 421, 456-466, 486, 501-631, 641, 691, 726)

Participation in Regular Education Policy

Y N 1. Policy to provide educational opportunities in accord with LRE.
Y N 2. Variety of programs and services available, including nonacademic and extracurricular.

(WAC 392-171-461, 471, 476, 481, 486, 491, 496, 501, 506, 511)

Individual Education Program Process Policy

Y N 1. IEP for each handicapped student.
Y N 2. IEP developed from assessment results.
Y N 3. IEP developed jointly by district and parent(s).
Y N 4. Opportunity for career development/ vocational education for students 14 years and older.
Y N 5. Annual review of placement and student progress.

(WAC 392-171-456, 461, 501, 511, 691)

Criteria . Comments

**Procedural Safeguards Policy**

Y N 1. Informed consent.
  - Parent fully informed.
  - Parent understands activity and agrees in writing.
  - Activity described and records listed.
  - Consent voluntary and may be revoked.

Y N 2. Access to all relevant records.
  - Identification
  - Assessment
  - Placement
  - Provision of FAPE

Y N 3. Independent educational assessment
  - Parent disagreement with district results.
  - Written notice by parent of results with which parent disagrees.
  - Parent requests independent assessment at public expense.
  - Results of independent assessment considered by district.
  - Information on sources of independent assessments available to parents.

Y N 4. Surrogate parent.
  - No parent identified.
  - Method for determining need for assigning surrogate.
  - Rights of surrogate parent.

Y N 5. Prior written notice of proposed action.
  - Identification
  - Assessment
  - Placement

Y N 6. Citizen's complaint process.
  - District
  - SPI

Y N 7. Due process hearing
  - May be initiated by parent or district
  - Referral to SPI for appropriate processing.
  - Conducted by Administrative Law Judge (H.O).
  - H.O decision is final. May only be modified or overturned by court of law.
  - Parent right of appeal to court of law.

# AMENDMENT TO
# STATE OF WASHINGTON
# THREE YEAR PROGRAM PLAN
# PUBLIC LAW 94-142
# PROVIDING PROGRAMS AND SERVICES TO CHILDREN WITH HANDICAPPING CONDITIONS
# 1987 - 1989

## VIII. Comprehensive System of Personnel Development (CSPD)

Submitted: July 22, 1986

This document amends and supports the 1987-89 State Plan submitted by the State of Washington pursuant to the requirements of the Education of the Handicapped Act, Title VI-B.

This information was requested of Dr. George Kirsch, Director of Special Education via phone by Dr. Ray Miner.

INQUIRY 1: Describe needed areas of preservice training and identify needs in order of priority (ref. 300.382(a), (c)).

Planning for preservice training occurs in close coordination with higher education and hiring districts. The inservice training coordinator and/or SEA staff consults regularly with representatives of the Association of Trainers of Special Education Personnel (ATSEP) which is composed of special education trainers from public and private universities and colleges with approved special education degree programs. This consultation involves discussion of feedback from field practitioners on preservice training needs and cooperative planning of training based on those needs. Programs are developed, revised, and adapted according to most current needs. The following table illustrates the SEA's preservice training process.

The first priority of preservice training during the 1987-89 plan period is implementation of changes in certification procedures for special education classroom teachers. Such changes include additional categorization to include an Early Childhood certificate, and requirements for continuing education credits to maintain certification. Additional preservice training needs in order of priority include:

- beginning teacher assistance programs
- severe behavioral disabilities
- regular education/special education interface
- interagency coordination and collaboration
- specialized programs (i.e., visually impaired, health impaired, etc.)

**INQUIRY 2:** Provide specific detail on the trainers to be used including specific qualifications and the time frame for various inservice training programs (ref. 300.382(d), (e), (f)).

The revised table on the following pages presents information regarding inservice training for target populations, with program objectives, content and nature of the training, a description of the trainers, funding sources, and a timeline. Trainers are selected with regard to their familiarity with subject matter, past experience in provision of inservice, and geographic availability. Trainers are selected by SEA staff responsible for specialized inservice to be provided, or by ESD Inservice Coordinators.

**INQUIRY 3:** Describe how the SEA uses incentives to ensure the participation of teachers in training sessions and how the SEA ensures that those incentives are being used (ref. 300.382(e)).

Incentives to ensure the participation in training of teachers and other personnel may include release time, payment for participation, options for free or low-cost academic credit, salary step credit, certification renewal, updating of professional skills, professional networking and other incentives designed by sponsoring districts, agencies or organizations. The SEA funding formula provides for two days per teacher annually of unrestricted substitute time which, in turn, may be used for inservice training. This, coupled with the fact that continuing education credits are updated annually on personnel forms (S275), helps ensure participation in inservice training.

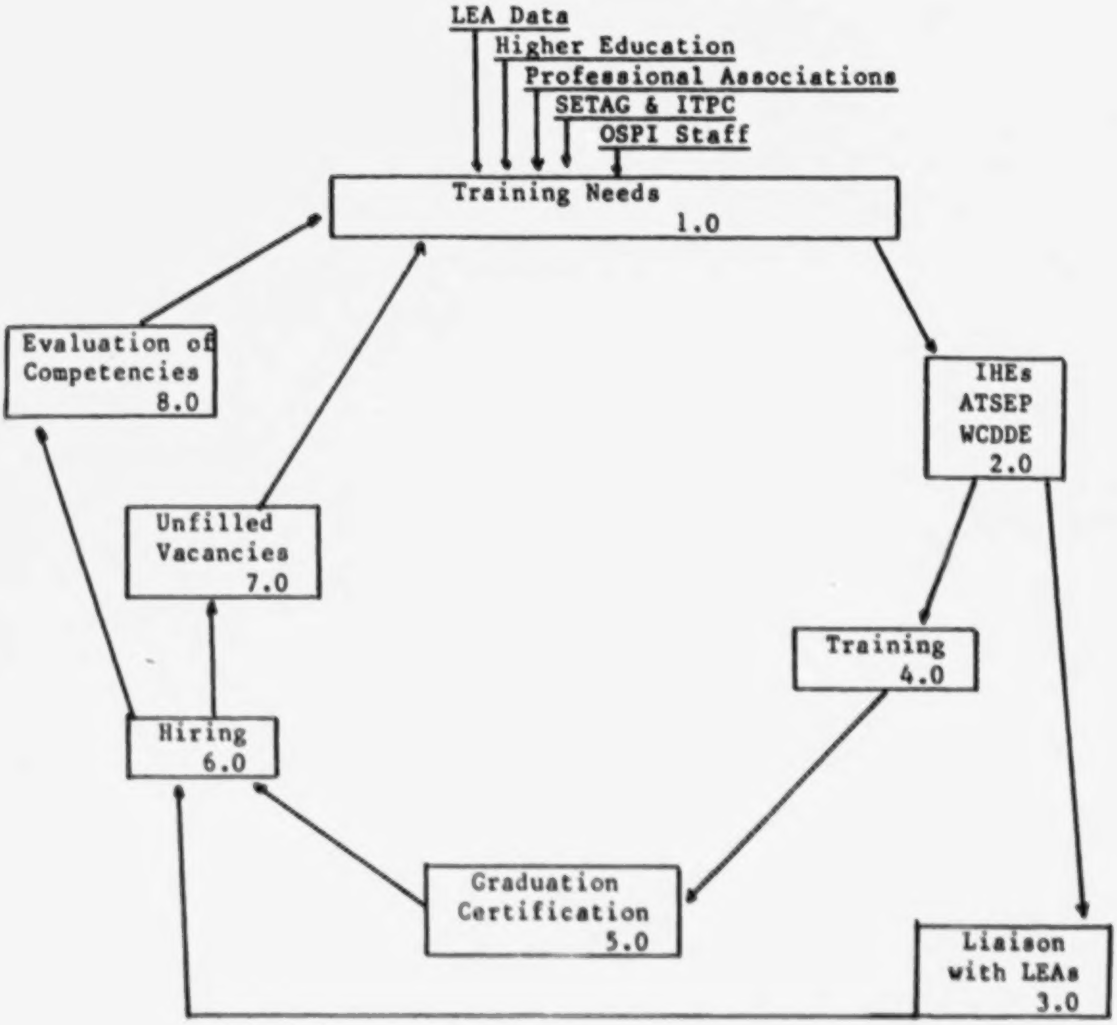
**INQUIRY 4:** Discuss personnel needed to provide FAPE throughout the state and steps used to produce an increase in numbers of such personnel (ref. 300.382(b) and 300.383(a), (b), (c)).

Professionals from various roles and geographic areas on the Inservice Training Planning Committee (ITPC) allows broad-based representation and feedback used in the inservice/preservice training processes. As per the State Plan for Fiscal Years 1987-89, Application Package, tabular data on personnel employed and needed are now submitted in the Annual Data Report (p. 8) and not in the State Plan. However, this data is reported to and reviewed and analyzed by the ITPC.

On the basis of this analysis, recommendations can be made to impact specific areas of need. For example, some special education positions are still being filled by persons whose training may not have fully prepared them for service in this field, either because of preservice emphasis in another field or because of shifting role definitions. Therefore, inservice training is planned for specific areas such as mainstreaming, computers in the classroom, etc.

ATSEP representation on the ITPC allows IHEs to receive information regarding personnel shortages and allows them to work closely with LEAs in responding quickly to changing needs. Thus, specific preservice training can be developed to alleviate personnel shortages as efficiently and effectively as possible.

# STATE OF WASHINGTON
# SPECIAL EDUCATION
# PRESERVICE MANAGEMENT NETWORK


LEA Data
Higher Education
Professional Associations
SETAG & ITPC
OSPI Staff
Training Needs 1.0
IHEs ATSEP WCDDE 2.0
Liaison with LEAs 3.0
Training 4.0
Graduation Certification 5.0
Hiring 6.0
Unfilled Vacancies 7.0
Evaluation of Competencies 8.0

| Needs | Primary Target Populations | Trainers | Content and Nature | Timeline | Funding Sources | Program Objectives |
|---|---|---|---|---|---|---|
| (1) Cooperative Planning and Programming: | | | | | | |
| a. Preservice-inservice interface | IHE, SEA, ITPC, ATSEP | SEA, Staff, U-W Consultant | Review of current and projected staff and training needs; cooperative planning of preservice and inservice training; study of rule shifts and resulting training needs. | Fall 1987<br>Fall 1988<br>Fall 1989 | VI-B | 1. To insure preservice and inservice training meet actual and intermediate needs. |
| 1) Barrier Resolution/ Teachers and Principals | District teams including representatives of AWSP, WEA, WSSDA, and WASA | Educational Associations and SEA staff | Development of effective programs through team problem-solving and planning, with representatives selected by participating professional organizations. | Completed Summer 1987 | VI-D,<br>VI-B | 1. To increase communication between regular and special education.<br>2. To increase communication between administrators and classroom teachers. |
| 2) LRE/Mainstreaming | Regular and Special Education administrators and staff, parents | SEA staff, ESD Ins. Coords., LEA, IHE, Educational Associations, parents | Ongoing training and materials on appropriate and expanded program and service delivery options. | Fall 1987 | VI-D,<br>VI-B<br>State<br>Local | 1. To insure service delivery to handicapped students in the least restrictive environment.<br>2. To increase special education/regular education communication.<br>3. To increase parent/professional communication. |
| 3) Multidisciplinary team | MDTs and preservice | SEA, ESD, LEA, IHE, Educational Associations, Professional Associations by nomination | Ongoing training in assessment strategies, program planning, IEP development, and (re) evaluation of student progress and placement. | Fall 1986<br>Fall 1988 | VI-B,<br>State<br>Local | 1. To clarify eligibility criteria for service delivery.<br>2. To insure a statewide compre hensive, systematic assessment process.<br>3. To insure assessment result produce quantifiable data which can be used for classroom planning. |
| b. Regular education - special education interface | | | | | | |
| c. Mediation training | SEA, ESD | Consultants identified by SEA | Training in mediation skills and strategies for SEA trained mediators. | Summer 1987<br>Summer 1989 | VI-B,<br>VI-D<br>State | 1. To update mediation skills c trained mediators. |
| (2) Administrative Issues: Funding, rules and regulations, other legal issues; program compliance | Administrators, IHE, ESD | SEA, ESD staff | Presentations, workshops, ongoing TA on new funding patterns, Federal and state rules and regulations; school board policy development; administration training workshop through IHE. | Fall 1986<br>Fall 1987<br>Fall 1988 | VI-B,<br>State | 1. To increase awareness of implications for districts rules and regulation change<br>2. To insure program complianc with rules and regulations changes.<br>3. To insure funding complianc with rules and regulations. |

| Needs | Primary Target Populations | Trainers | Content and Nature | Timeline | Funding Sources | Program Objectives |
|---|---|---|---|---|---|---|
| (3) LEA Program Implementation | | | | | | |
| a. Vocational and career education | ESD, LEA; administrators, special education and vocational education staff; parents | IHE, SEA, ESD, Consultants U of W, WWU, CWU, EWU | Development/dissemination of model practices and programs for public schools and institutions; training workshops. | Completed 1988 | VI-B,<br>VI-D<br>State | 1. To insure educational g relate to students' voc tional goals and needs.<br>2. To insure effective tra from educational prograa realistic careers. |
| b. Secondary programs | ESD and LEA staff | Consultants | (Same as above) | Summer 1987<br>Summer 1988<br>Summer 1989 | VI-B | 1. To increase appropriaten secondary special educat curriculum.<br>2. To decrease drop-out rat secondary special educat students. |
| *c. Programs for SBD and acting-out/dangerous students | ESD and LEA staff, psychologists, counselors, OTs, aides | SEA, ESD, consultants, U of W, out of state consultants | (Same as above, and review of student discipline laws and procedures) | Fall 1987<br>Summer 1988 | VI-B | 1. To insure SBD students a identified.<br>2. To increase programming options for SBD students.<br>3. To insure full service delivery for SBD students in the LRE. |
| *d. Programs for severely handicapped | LEA and institution personnel dealing with severely handicapped students | IHE and institutions, SEA staff | Multidisciplinary team training with field-based follow-up; development of materials, dissemination of best practices and information on curricula and other resources. | Fall 1987 | VI-B,<br>VI-D | 1. To insure services for SH students are in accordanc with current best practic<br>2. To provide follow-up supp to classroom teachers rel to immediate needs.<br>3. To increase instructional options for SH students. |
| (4) Supportive parent involvement | Parents, educators | Parents nominated by parent organizations, SEA staff | Parent training workshops, conferences, materials; parent support program for parents of newly identified handicapped students. | 1987-89<br>Annual<br>Spring | VI-B,<br>VI-D | 1. To increase parent involv ment in their child's edu tional programming.<br>2. To increase parent awarene of their rights and respor bilities.<br>3. To increase parent/professional communication. |
| (5) Specialized programs | | | | | | |
| a. Visually impaired | Regular and special education staff working with visually impaired | IHE, ESD, institutions, staff identified by SEA | Training for regular and special education teachers. | 1987-89<br>Summer 1986<br>Summer 1987<br>Summer 1988 | VI-B | 1. To increase the ability of regular and special educat staff to deal with visually impaired.<br>2. To create a peer support network among staff workinc with VI statewide.<br>3. To identify model programs for staff visitation. |

|  | Primary Target Populations | Trainers | Content and Nature | Timeline | Funding Sources | Program Objectives |
|---|---|---|---|---|---|---|
| rts for the andicapped | ESD, LEA staff | Consultants identified by grantee | Integration of curriculum into special education programs; adapting instruction for handicapped students; participatory training sessions, materials | Spring 1987<br>Spring 1988 | VI-B, State | 1. To insure handicapped students have equal ac to art curricula. |
| c. Gifted handicapped | Multidisciplinary teams, especially special education teachers and psychologists | Consultants, SEA gifted staff | Training annual, workshops. | Summer 1987 | VI-B | 1. To insure identificati gifted handicapped stu<br>2. To insure comprehensiv appropriate service de for GH students. |
| d. Computers/technology in the classroom | Special education teachers OT-PT, LEA, ESD staff | SEA staff, ESD staff, Consultants | Ongoing training in the application of technology to special education programs. | 1987-89<br>Summer 1987<br>Summer 1988<br>Summer 1989 | VI-B, State | 1. To increase awareness computer programs avai for use in handicapped programming.<br>2. To insure appropriate computers in handicappe programming.<br>3. To increase student pro through use of computer education. |

S119L7.00

## RESPONSE TO FEDERAL INQUIRIES REGARDING STATE PLAN

SpecialNet Message KGIG-2578-2409, July 29, 1986

1. **Issue:** Insuring via data collection and analysis the content and means of providing parent notice prior to IEP meeting according to the following Federal Regulations not found in the 1985-86 monitoring manual:

34 CFR 300.345(b)
34 CFR 300.345(c)
34 CFR 300.345(d)
34 CFR 300.345(e)

**Requested Response:** Procedures which clearly reveal a method of evaluating the content of parent notices to the Federal regulations. The procedures can be part of the periodic on-site monitoring process or part of the LEA application process.

**Response:** WAC 392-171-456 Meetings (Individualized Education Programs) (2) through (6) addresses the state policy directly related to 134 CFR 300.345(b-e). An activity in the on-site monitoring process which addresses the issue regarding the evaluation of the content of parent notices related to the IEP meeting is described in the Special Education Compliance Monitoring Standards (pale green sheets in your manual), under WAC 392-171-456, Compliance Indicators (2) through (6). A sample of parents of handicapped students are interviewed at each school monitored using the Special Education Parent Interview Form found in the monitoring manual (buff colored page following the Classroom Visitation Sheet). Questions 6 through 11 address the parent notice issue. Monitors also verify the presence of the parent notice form for the IEP meeting in the file review process; i.e., LEAs are requested to submit a copy of the forms in use supporting Procedural Safeguards for review by the monitors prior to the on-site review. These forms are reviewed for compliance with the WAC 392-171-526 notice requirements during the premonitoring/technical assistance phase of the monitoring process. During on-site monitoring, specifically the student file review activity, monitors check for appropriate parent notice forms, parent rights statements, as well as appropriate parent sign off for assessment, placement, and IEP participation. (See Special Education Process Review Form attached).

2. **Issue:** Insuring IEPs contain the content requirements of 34 CFR 300.346(e); the parent Special Education Process Review form and the Special Education Compliance Monitoring Standards require respectively, measurable short-term objectives and schedules for accomplishment and that each IEP must include a date of anticipated annual review.

**Requested Response:** An amendment to the monitoring documents which would require IEPs to contain evaluation procedures, objective criteria, and a schedule for determining whether the objectives are being met.

The monitoring instruments need to establish standards or criteria which communicates to the monitor what constitutes compliance.

**Response:** WAC 392-171-461, IEP; 511 Annual Review of Placements 461(1) through (3) addresses the state policy directly related to 34 CFR 300.346(e). An activity in the on-site monitoring process which addresses the issue regarding IEP objective evaluation procedures, objective criteria, and a schedule for determining whether the objectives are being met is described in the Special Education Compliance Monitoring Standards (pale green sheets in your manual), under WAC 392-171-461, Compliance Indicators 1(c)(f)(g). A sample of student IEPs are reviewed at each school monitored using the Special Education Process Review form found in the monitoring manual (buff colored page following the Compliance Monitoring eligibility Review form). The fourth area on this form covers the IEP process review. Another area where this issue is addressed is in the IEP tracking system initiated by the monitors via the classroom visitation activity (see the Classroom Visitation Sheet, a buff colored page following the Special Education Process Review form). WAC 392-171-511 requires each LEA to develop a simple, reliable system of evaluating each program developed for individual handicapped students. The evaluation must be based on IEP goals and objectives with specifics regarding the evaluation methods to be determined by district policies and procedures.

It is interesting to note that the amount of detail requested by SEP in response to this issue appears to exceed Department of Education Policy Interpretation: IEP Requirements published in the EHLR, March 2, 1984, 103:43-62. Item 5, 103.46, at (d) appears to indicate two levels of detail in the IEP process, a less specific level administratively; i.e., described in the document itself, and a more specific level operationally; i.e., details of implementation at the classroom level. Questions 37-43, 54, 56 further explain the requirements of the IEP content, e.g., "37. ....the goals and objectives of the IEP **are not** intended to be as specific as the goals and objectives that are normally found in daily, weekly, or monthly instructional plans."

"39. Short term instructional objectives" ....are developed based on a logical breakdown of the major components of the annual goals, and can serve as milestones for measuring progress toward meeting the goals.

In some respects, IEP objectives are similar to objectives used in daily classroom instructional plans. For example, both kinds of objectives are used (1) to describe what a given child is expected to accomplish in a particular area within some specified time period, and (2) to determine the extent to which the child is progressing toward those accomplishments.

In other respects, objectives in IEPs are different from those used in instructional plans, primarily in the amount of detail they provide. IEP objectives provide general benchmarks for determining progress toward meeting the annual goals. These objectives should be projected to be accomplished over an extended period of time (e.g., an entire school quarter or semester). On the other hand, the objectives in classroom instructional plans deal with more specific outcomes that are to be accomplished on a daily, weekly, or monthly basis. Classroom instructional plans generally include details not required in an IEP, such as the specific methods, activities, and materials (e.g., use of flash cards) that will be used in accomplishing the objectives.

"41. Yes. There should be a direct relationship between the IEP goals and objectives for a given handicapped child and the goals and objectives that are in the special education instructional plans for the child. However, the IEP is not intended to be detailed enough to be used as an instructional plan. The IEP, through its goals and objectives, (1) sets the general direction to be taken by those who will implement the IEP, and (2) serves as the basis for developing a detailed instructional plan for the child. (NOTE: See Question 56, below, regarding the length of IEPs.)

"42. IEP objectives **must** be written before placement. Once a handicapped child is placed in a special education program, the teacher might develop lesson plans or more detailed objectives based on the IEP; however, such plans and objectives are not required to be a part of the IEP itself.

"47. For some handicapped children, the IEP will only address a very limited part of their education (e.g., for a speech impaired child, the IEP would generally be limited to the child's speech impairment). For other children (e.g., those who are profoundly retarded), the IEP might cover their total education. An IEP for a physically impaired child with no mental imapirment might consist only of specially designed physical education. However, if the child also has a mental impairment, the IEP might cover most of the child's education. (NOTE: The IEP is not intended to be detailed enough to be used as an instructional plan. See Question 41, above.)

"56. No. The format and length of an IEP are matters left to the discretion of State and local agencies. The IEP should be as long as necessary to adequately describe a child's program. However, as indicated in Question 41, above, the IEP is not intended to be a detailed instructional plan. The Federal IEP requirements can usually be met in a one to three page form. (NOTE: In a national survey conducted under contract with the Department, it was found that 47% of the IEPs reviewed were 3 pages or less in length.)"

In 54, SEP interpretation indicates that, "The evaluation procedures and schedules need not be included as a separate item in the IEP, but they must be presented in a recognizable form and be clearly linked to the short term objectives. (Note: In many instances, these components are incorporated directly in the objectives.)"

In our state the level of specificity described in the SEP Response Request would appear at the classroom level in terms of evaluation procedures, objective criteria, and a schedule for determining whether objectives are being met. Monitors would request to see a data base which would satisfy the above criteria during the classroom visit activity. We would not expect to find this amount of detail in the IEP document itself.

3. **Issue:** Insuring procedural safeguard (34 CFR 300.500-300.514) requirements are met and implemented; see 34 CFR 300.131 and 300.501. OSEP could not determine the following being verified at the local level: 34 CFR 300.503; 300.504(A & C) 300.505; 300.508(a)(5); 300.514(a)(b)(c) & (d).

**Requested Response:** Amend LEA application requirements to insure policies and procedures are in place at the local level which meets the procedural safeguard requirements at 34 CFR 300.500 - 300.514 and monitoring procedures which verifies that all procedural safeguard policies and procedures are implemented or the State could choose for the monitoring procedures to verify policies and procedures and implementation are compliant to all State and Federal requirements.

**Response:** WAC 392-171,-371, 521, 526, 531, 581 address the state policy directly related to 34 CFR 300.503, 504(A & C), 505, 508(a)(5), 514(a)(b)(c)(d). An activity in the on-site monitoring process which addresses the issue regarding verification that all procedural safeguard policies and procedures are implemented is demonstrated in the Special Education Policy Review Checklist attached. The LEA must produce evidence to verify both an operational policy and implementation of appropriate procedures for each item noted.

4. **Issue:** Insuring findings of fact and decisions of due process hearings are transmitted to the State Advisory Panel as required at 34 CFR 300.508(a)(5).

**Requested Response:** Procedures to be included in the State plan and implemented in the State which requires public agencies or agency to transmit those findings and decisions, after deleting any personally identifiable information, to the State Advisory Panel, not a summary or compilation of hearings but each written findings of fact and decisions.

**Response:** Procedures: The SEA will, beginning immediately, send full text copies of findings of fact and conclusions of law as forwarded by the Office of Administrative Hearing, State of Washington, with the written summary and analysis currently provided to the Special Education Advisory Council. Primary responsibility for this function will rest with the Secretary to the Special Education Advisory Council, Special Education Section.

5. **Issue:** Procedures the SEA will undertake to insure that each public agency has procedures to implement LRE (34 CFR 300.132; 300.227; 300.550 through 300.556).

**Requested Response:** Amend LEA application procedures to review and approve policies and procedures which satisfies 34 CFR 300.227. These procedures should include instruments and criteria for the review of these LEA policies and procedures.

**Response:** WAC 392-171-471 Least Restrictive Environment; WAC 392-171-476 Continuum of alternative placements and WAC 392-171-481 Placement options--Selection--Required considerations address the state policy directly related to the cited issue.

Within the LEA Application for the 1986-87 fiscal year, Assurance #8 Procedural Safeguards and Procedure, #3 Participation in Regular Education Programs must be certified by the Superentendent of the School District as being implemented within the school district before Title VI-B flow through funds can be awarded. As contained in another section of this response the Policy and Procedures Checklist as utilized in the school district monitoring procedures contains criteria to be used by monitors in monitoring the implementation of this requirement in the school district (Please refer to Monitoring Checklist). This policy checklist is used both within the monitoring procedures on-site and by the State as they review policies submitted for State documentation.

6. **Issue:** Description of activities carried out by the SEA to insure that teachers and administrators are informed of their responsibilities for implementing 34 CFR 300.550 (see 34 CFR 300.555(a)).

**Requested Response:** Activities of the State to meet this requirement.

**Response:** The Comprehensive System of Personnel Development plan included in the original copies at page 84 summarize the activities of the state in carrying out this activitiy. In detail, the state fulfills this obligation in several ways.

1. LRE is a consideration in the state-wide Program Review process (see monitoring manual). When a district is identified which is not in compliance with the provisions of the regulations with regard to least restrictive environment, an action plan including technical assistance through the Special Education Inservice Coordinator assigned to the district's Educational Service District is completed. (See attached Highline School District monitoring report.)

2. Special Education Inservice Coordinators receive monthly training through the Program Review Coordinator (SEA) regarding the standards for review of LRE.

3. The Special Education Advisory Council has had an ongoing task force on restrictive environments for the past two years reviewing placements that are considered not to meet the requirements of least restrictive environment.

4. The SEA is currently involved in sponsoring research projects in five school districts in the state to investigate, design and implement less restrictive environments for mildly handicapped children. An important ongoing part of this effort is a series of statewide and regional meetings including building level teams receiving training in implementation of least restrictive environment requirements. These training sessions have involved the Washington Association of School Administrators, the Washington Association of School Principals, the Washington Association of School Psychologists as well as the district designated building teams. The Coordinator of this program makes regular visits to school districts in the state to increase the awareness of districts regarding this requirement. This activity will be ongoing for the next two years of the project and it is anticipated that the awareness activities will continue beyond the duration of the project.

5. Districts are notified of their responsiblity to ensure LRE in the LEA Application for Flow Through funds instructions. (See LEA Application Instructions attached.)

6. Issues of LRE requirements are a part of the agenda of monthly Educational Service District Special Education Director's meetings held by the SEA for the purpose of program coordinator and dissemination of information. That information is disseminated to

LEAs through regional meetings held on a monthly basis, hosted by the Educational Service Districts.

7. **Issue:** Procedures followed by the State to ensure that 34 CFR 76.654(a) and (b) are met. OSEP has not found within the State Plan, monitoring system or LEA application process procedures for insuring compliance to this obligation.

**Requested Response:** Procedures which the SEA will follow to insure that the responsibilities at 34 CFR 76.654(a) & (b) are met.

**Response:** WAC 392-171-646 through 686 address the state policy pertaining to Private School Students. Within the LEA Application Asssurance #9, Participation of Private School, students must be certified by the Superintendent of the School District before approval. In addition, the school district must complete SPI form F-124A (Rev. 5/86), Nonpublic School Participation. This form may have been omitted from the State Plan, LEA Application appendix, inadvertently. Please refer to attached form. The Office of Private Education, OSPI also requires, on an annual basis, that Form SPI F-829 (REV 1/86), Private School Intent to Participate or Not to Participate in Federal Programs, be completed by each school district in the state (Refer to attached form).

All Nonpublic School/Agencies providing educational services to handicapped children per contracts with school districts must also be approved for the provision of services by the State Board of Education (WAC 392-171-496 Approval of nonpublic and public school agencies and WAC 392-171-501 School district responsibliity when contracting for placement in a nonpublic or public school agency). Attached is a copy of the Nonpublic School/Agency Approval Procedures. The monitoring of these agencies parallels the monitoring procedures used in monitoring school districts.

8. **Issue:** Procedures of the SEA to insure LEA applications contain the information required in 34CFR76.656.

**Requested Response:** LEA application procedures which insure compliance to 34CFR 76.656. This would include instructions to the applicants, instruments for reviewing the information, and criteria for accepting information.

WAC 392-171-491 through 501 are the state policy regarding the requirements/criteria for the approval of nonpublic school agencies for the provision of services to handicapped students. The attached Nonpublic School/Agency Procedures manaul contains the approval procedures used by school districts and SPI. This approval process is inclusive of monitoring of the school or agency for compliance with the provisions of P.L. 94-142 and is parallel to the monitoring procedures/criteria used in the statewide monitoring procedures used with all school districts. The information requested in 34CFR 76-656 is collected via the nonpublic school/agency completion and submission to SPI of the Nonpublic School/Agency Application (Form SPI 593-A, Rev 6/80) at the time the school district wishes to contract with a Nonpublic Agency/School.

9. **Issue:** Descriptions of procedures to monitor and evaluate the effectiveness of procedures undertaken to identify, locate and evaluate handicapped children (34 CFR 300.128(a)(5).

**Requested Response:** Description of procedures to insure 34 CFR 300.128(a)(5) are met. This does not have to be a part of the periodic monitoring on-site of locals; but the procedures should collect data; indicate how to analyze the data, and the criteria for determining adequacy of the outcome of the childfind activities.

**Response:** As per WAC 392-171-336 Childfind, local school districts are responsible for locating, identifying, and evaluating students with a suspected handicapping condition who are residing within the boundaries of the district and not currently receiving special education services. District Childfind policies and procedures are reviewed using the Special Education Policy Review Checklist attached under Issue 3 above. In addition, handicapped student data are collected and analyzed on several levels. Each month local districts serving handicapped students submit SPI Form P-223H, Monthly Report of School Districts Handicapped Enrollment, (attached), to the appropriate Educational Service District. These counts are reviewed by the ESD special education director for consistency and enrollment trends. The P223-H forms are then forwarded to SPI for computer processing. The monthly 1735 report is prepared using the headcount data from individual districts. Attached is an sample 1735 state summary page. The state count is reviewed across ages and handicapped categories to determine areas of significant increase. The analysis includes comparison of the current monthly state count to that of the same month in the preceding year, to that of the past school year overall average, and to that of the preceding month(s) in the current school year. Significant increases and decreases are investigated further through discussion with ESD special education directors and special studies and surveys as necessary. An example special survey is attached. The Office of Fiscal Management, the state agency responsible for overseeing all state government expenditures, conducts ongoing independent reviews of handicapped enrollment and may also request/initiate special studies. State counts of students located, evaluated and identified as handicapped are reviewed on an annual basis in order to develop enrollment assumptions, make enrollment projections and prepare budgets. Please see attached budget document as an example. During on-site monitoring activities, the local school district's handicapped enrollment figures are reviewed by the monitor, and the district special education director is requested to explain significant variance in these counts. See attached P223-H analysis sheet. The P223-H count is also used in selection of sample cases for the student file reviews. The Special Education Student File Sample Selection Procedures are described on the attached sheet. The effectiveness of location, identification, and evaluation efforts are evaluated on an individual basis through comparison of documented assessment procedures and eligibility data contained in student files to state compliance indicators and eligibility criteria. Discrepancies must be addressed through a corrective action plan, along with any other noncompliance issues found during monitoring.

10. **Issue:** State policy and procedures plus activities to insure implementation of the procedures of providing a full explanation of the requirements at 34 CFR 300.128 and 300. 561 (a) and (b).

**Requested Response:** Addition to State Plan, detailed policies and procedures for fulfilling the obligation at 34 CFR 300.128 and 300.561.

**Response:** WAC requirements: WAC 392-171-336 requires that local districts undertake activities to locate and identify students with suspected handicapping conditions. WAC 392-171-586 through 641 require that districts have in place a system for protection of the confidentiality of personally identifiable information. WAC 392-171-591 defines the term "native language" for purposes of application to the Washington Adminstrative Code 392-171.

Implementation: The SEA, to ensure the effectiveness of a system to locate and identify all handicapped children in the state, engages in the following activities:

1. Funds a Childfind Coordinator in Educational Service District 121 (the metropolitan Seattle area) who has statewide responsibilities for assisting school districts in maintaining their Childfind systems. The effectiveness of this system is monitored according to the procedures spelled out in inquiry #9 attached to this document.

2. Provides funding for the Parent/Community Relations project which is responsible for providing to LEAs and community resources instructions regarding the location and referral of children suspected of having handicapping conditions.

3. Provides funding through the Educational Service District for Special Education Inservice Coordinators who receive monthly notice through Educational Service District 121 Childfind Coordinator of the Childfind activites being carried out. These inservice coordinators meet monthly for the purpose of evaluation of the Childfind activities.

Requirements under 34 CFR 300.561 are implemented throught the Parent Community Relations Project publication "Parents' Guide to Special Education" (attached). Copies of this guide in languages appropriate to the State of Washington are currently being produced and will be available during the 1986-87 school year.

Effectiveness of these activities are monitored in the Program Review Process Check List (attached) in the section entitled "Confidentiality."

11. **Issue:** Procedures used by the SEA to insure that testing and evaluation materials and procedures are not racially or culturally discriminatory (34 CFR 300.530(b)). SEP found the monitoring instrument to contain a yes/no question but no criteria for yes or no.

**Requested Response:** Detailed procedures which insure or criteria used to make response to monitoring instrument question.

**Response:** WAC 392-171-351(3)(6), 366(1e), 391(3), 411(1), address the state policy directly related to 34 CFR 300.530(b).

The issue of insuring that testing and evaluation materials and procedures are not racially or culturally discriminatory is a tough issue to resolve. We attempt to address this issue through a process rather than specific detailed procedures as suggested by SEP. Our nondiscriminatory process includes specific training of monitors to address the following during the LEA on-site review.

- Observation of the face validity of the assessment materials used in the student evaluation process. Example - If a student is identified for assessment, whose primary language is Spanish and the student is given a WISC-R and/or a Woodcock-Johnson Part II in English the monitors ask the question why? and request the LEA to validate the testing results through the use of a similar assessment administered in Spanish.
- There is a Technical Adequacy Committee which reviews assessment instruments recommended to them from the field and who makes recommendations to the state as to which assessment instruments appear to be valid, reliable, and nondiscriminatory when used appropriately.
- Our state eligibility criteria for each handicapping condition requires a social-emotional evaluation or developmental history, or medical history, or behavioral evaluation, or ruling out of the effects of cultural, environmental, or economic factors as contributing to the learning problem for each student. A wealth of information surfaces from the file review which the monitors use to determine if discriminatory factors have been overlooked in summarizing the assessment information. If so, the monitors ask the appropriate question and require the LEA to reevaluate through a nondiscriminatory assessment.
- If a minority student is assessed and found eligible for special education and related services, the monitors review the file with specific interest regarding the nondiscriminatory issue. If it is evident that background information regarding cultural, racial, environmental or economic factors have not been considered, the monitors ask the question and require the LEA to reconsider decisions made in light of these factors.
- We are currently providing inservice training statewide on the importance of making appropriate professional judgments regarding

eligibility for a handicapping condition and/or placement in special education. The nondiscrimination issue is the central focus of this training with specific emphasis on data based decision making (see workshop agendas attached).

/dg
B6-33

SPI

DR. FRANK B. BROUILLET
Superintendent of Public Instruction

August 12, 1986

Mr. Ray Miner
Coordinator, State Monitoring
Special Education Programs
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202

Dear Mr. Miner:

In response to your request for additional information regarding Issues 2, 3, 5, and 8, related to the Office of Special Education Programs State Plan inquiries (3/11/86), the following information is submitted for your review and approval.

It is our sincere hope that the information and materials contained herein will be sufficient to support the approval of our State Plan and the release of our EHA, Title VI-B grant award for this year.

Sincerely,

DIVISION OF SPECIAL SERVICES
AND PROFESSIONAL PROGRAMS

Judy A. Schrag

Judy A. Schrag
Assistant Superintendent

JAS/dg
Enclosures

JCB7-4

Old Capitol Building, FG-11, Olympia, Washington 98504

2. **Issue:** Insuring IEPs contain the content requirements of 34 CFR 300.346(e); the parent Special Education Process Review form and the Special Education Compliance Monitoring Standards require respectively, measurable short-term objectives and schedules for accomplishment and that each IEP must include a date of anticipated annual review.

**Requested Response:** An amendment to the monitoring documents which would require IEPs to contain evaluation procedures, objective criteria, and a schedule for determining whether the objectives are being met.

The monitoring instruments need to establish standards or criteria which communicates to the monitor what constitutes compliance.

**Response:** WAC 392-171-461, IEP; 511 Annual Review of Placements 461(1) through (3) addresses the state policy directly related to 34 CFR 300.346(e). In addition to the requirements stated in WAC 461 and 511, it is our intent to modify statewide IEP requirements regarding the content of the administrative IEP to include evaluation procedures, objective criteria to determine if the student is achieving in the special education program, and a schedule for determining whether the objectives are being met. These variables are presently presented in detail at the classroom level in the implementation IEP. It is also our intent to amend the monitoring process regarding the content of the IEP to include items on the IEP compliance checklist which specifically address evaluation procedures, objective criteria, and a schedule for determining whether objectives are being met. Compliance standards for these items will also be developed for use by the monitoring team in determining LEA compliance with IEP requirements.

***Assurance:** For the State of Washington, IEP requirements will be amended to include evaluation procedures, objective criteria, and schedules for determining whether objectives are being met in the administrative IEP. The process for monitoring IEPs will also be amended to specifically address the presence of the items listed above in the administrative IEP. Compliance standards will also be developed for use by the monitors in determining compliance with federal and state IEP requirements.

Program Monitoring ____ Verification

# SPECIAL EDUCATION PROCESS REVIEW

Student ______________________ District ______________________

Reviewer ______________________ Date ______________________

| Criteria | Comments |
|---|---|

Notice and Consent (FOC) (* List Dates)

Y N NA *1. Date, origin, reason for concern.
Y N NA *2. Written parent notice of referral.
Y N *3. Written parent notice of assessment/ reassessment.
Y N NA *4. Written parent consent for initial assessment.
Y N NA *5. Written parent consent for temporary diagnostic placement (not to exceed 30 school days).
Y N NA *6. Written parent consent for mutual exchange of information (if applicable).

(WAC 392-171-341, 516, 521, 526)

Assessment (* List Dates)

Y N 1. Comprehensive assessment.
Y N 2. MDT, including teacher or specialist w/knowledge in area of suspected disability.
Y N 3. No single instrument used to determine eligibility.
Y N 4. Tests nondiscriminatory.
Y N 5. Assessment materials used for purposes validated/professional judgments documented.
Y N 6. Tests administered by qualified personnel according to standardized procedures.
Y N 7. Assessment current, materials administered in native language.
Y N *8. Assessment data summarized in writing, dated, and signed.
Y N NA *9. Reassessment every 3 years or as required by WAC 392-171.

(WAC 392-171-311, 346, 351, 516)

Assessment Summary Analysis (* List Dates)

Y N 1. Discrepancy between actual/expected performance.
Y N 2. Handicapping condition(s) identified.
Y N 3. Nature and extent of special education/ related services needed.

**Criteria** **Comments**

Y N NA 4. Reconciliation of inconsistent information/conclusions supported with data.
Y N 5. Significance of test measurement error and/or cultural, environmental, economic, and behavioral factors on assessment results.
Y N NA 6. Professional judgments/written narrative with basis, instruments, and data for eligibility determination.
Y N 7. Recommendations to IEP committee on placement, special education and related services needed, including ESY consideration, management strategies, materials, and equipment.
Y N *8. Signed/dated by MDT leader and special education director/designee (additions for SLD).
Y N 9. MDT written certification/dissenting opinion.

(WAC 392-171-351, -366)

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Individualized Education Program (* List Dates)

Y N 1. IEP committee includes school district representative (supervisor), teacher/therapist, parent, (student), member of assessment team, other members at district/parent discretion.
Y N 2. IEP developed on basis of summary analysis and parent input.
Y N 3. Present levels of performance.
Y N 4. Specific annual goals.
Y N 5. [redacted]
Y N 6. Special education and related services needed.
Y N 7. Regular education participation.
Y N 8. Regular or special p.e.
Y N NA 9. Career development or vocational education goals/short-term objectives (CA 14 and older).
Y N *10. Projected initiation/completion dates, including ESY consideration.
Y N 11. Copy of IEP to parents.

Proposed addendum:
.evaluation procedures developed
.objective criteria stated for determing student achievement in the program
.schedules for determining if objectives are being met are stated.

(WAC 392-171-456, 461, 511)

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Placement (* List Dates)

Y N *1. Written notice of placement.
Y N NA *2. Written consent prior to initial placement.
Y N 3. Least restrictive environment, regular education participation as appropriate, local school access, access to nonacedemic and extracurricular activities.
Y N NA *4. Annual review of IEP and placement.

(WAC 392-171-376, 466, 471, 481)

__ Program Monitoring          __ Verification

## CLASSROOM VISITATION SHEET

Student ____________________ District ____________________

School __________________________ Grade __________________

Handicap Category ____________________ Teacher ________________

Reviewer ________________________________ Date ____________

| | | Criteria | Comments |
|---|---|---|---|
| Y | N | 1. Instructional program of student related to IEP goals and objectives. (WAC 392-171-461, 511, 731) | |
| Y | N | 2. [redacted] (WAC 392-171-511) | Proposed addendum:<br>.evaluation procedures stated<br>.objective criteria stated for determing progress in the special education program<br>.schedules for determining if objectives are being met are stated. |
| Y | N | 3. Facilities for student comparable to facilities for nonhandicapped students. (WAC 392-171-716) | |
| Y | N | 4. Student enrolled in special education program. (WAC 392-171-315, 325) | |
| Y | N | 5. Student receiving specially designed instruction by special education teacher/therapist. (WAC 392-171-315) | |

___ Program Monitoring ___ Verification

## SPECIAL EDUCATION PARENT INTERVIEW

Student ______________________ District ______________________

Parent ______________________ Phone ______________________

Reviewer ______________________ Date ______________________

| Questions | Comments |
|---|---|

Y N 1. Do you have to pay for your child's special education?
(WAC 300)

Y N 2. Can you see your child's school records if you ask to see them?
(WAC 396)

3. Did the school send you a letter or form to sign before your child

Y N a. Was tested?
Y N b. Was placed in special education?
(WAC 341, 316, 321, 326)

4. Did you sign a form for your child to be
Y N a. tested?
Y N b. placed in special education?
(WAC 341, 406)

Y N 5. Did anyone from the school explain the testing results to you?
(WAC 376)

Y N 6. Did the school notify you of the conference (meeting) to develop your child's individualized education program (IEP)?

Y N 7. Was the IEP conference arranged for a convenient time and place?
(WAC 436)

Y N 8. Were you able to go to the IEP conference?
(WAC 436)

|  |  | Questions | Comments |
|---|---|---|---|
| Y | N | 9. Did the school staff listen to your ideas and suggestions in writing the IEP? (WAC 436) |  |
| Y | N | 10. Did the school give you a copy of the IEP? (WAC 461) |  |
| Y | N | 11. [illegible] (WAC 461, 481, 511) | Proposed addendum:<br>. . . and were there evaluation procedures stated, objective criteria stated for determining student progress and schedules for determining if objectives were being met stated in the IEP? |
| Y | N | 12. Does your child have an opportunity to participate in extra-curricular activities (clubs, art, athletics, etc.)? (WAC 471) |  |
| Y | N | 13. Does your child attend school each day as many hours as other children his or her age? (WAC 721) |  |
| Y | N | 14. If your child has been in special education for more than a year, have you received a progress report other than a report card? (WAC 511) |  |
| Y | N | 15. Did the school tell you that you have the right to file a complaint or request a hearing if you don't agree with your child's assessment or special education program? (WAC 531, 761) |  |
| Y | N | 16. Do you feel that you could call or visit the school if you thought there was a problem regarding your child's special education program? |  |

010209.00

3. **Issue:** Insuring procedural safeguard (34 CFR 300.500-300.514) requirements are met and implemented; see 34 CFR 300.131 and 300.501. OSEP could not determine the following being verified at the local level: 34 CFR 300.503; 300.504(A & C) 300.505; 300.508(a)(5); 300.514(a)(b)(c) & (d).

**Requested Response:** Amend LEA application requirements to insure policies and procedures are in place at the local level which meets the procedural safeguard requirements of 34 CFR 300.500 - 300.514 and monitoring procedures which verifies that all procedural safeguard policies and procedures are implemented or the State could choose for the monitoring procedures to verify policies and procedures and implementation are compliant to all State and Federal requirements.

**Response:** WAC 392-171, -371, 521, 526, 531, 581 address the state policy directly related to 34 CFR 300.5, 504(A & C), 505, 508(a)(5), 514(a)(b)(c)(d). An activity in the on-site monitoring process which addresses the issue regarding verification that all procedural safeguard policies and procedures are implemented is demonstrated in the Special Education Policy Review Checklist. In addition to the areas specified on the Policy Review Checklist, a supplemental instrument is used by the monitors to insure parent notice requirements are met by LEAs. The Parent Rights Checklist details these requirements and is attached for your review. It is our intent to append this checklist to our monitoring manual as we review specific sections for school year 1986-87.

# PARENT RIGHTS CHECKLIST

## SCHOOL DISTRICT SPECIAL EDUCATION SUMMARY OF SAFEGUARDS AND DUE PROCESS

The following is a summary of your rights according to federal and state rules and regulations. The intent of these rules and regulations is to ensure that the district fully informs you concerning decisions about your child's school program and to inform you of your rights.

Y | N 1. Right to consent or refuse to consent to initial assessment. (WAC 392-171-341 through 376 and 526)
The school district must obtain your written permission prior to initially assessing your child for possible special education services. The district must inform you of proposed test(s) and/or procedures, including any existing assessment data, to be used. You also have the right to request that these tests and procedures be explained to you. More than one test or procedure must be used for determining the appropriate educational program for your child. In addition, your child must be reassessed at least once every three years, or more frequently if conditions warrant it or if so requested.

Y | N 2. Right to obtain an independent assessment. (WAC 392-171-371)
If you do not feel the school's assessment is fair or accurate, you may request an independent educational assessment from an agency or professional outside the school at public expense. However, the school may request a hearing if its assessment is challenged. If the hearing officer rules in favor of the school, you still have the right to obtain an independent assessment at your own expense. You have the right to introduce the results of an independently obtained assessment for consideration by the district in determining your child's school program or at a hearing.

Y | N 3. Right to consent, or refuse to consent, to initial placement. (WAC 392-171-456 through 526)
The school district must obtain your written permission prior to initially placing your child in special education. The district must maintain a variety of program settings which allow your child to be placed in the regular school program with nonhandicapped students to the maximum extent appropriate for his/her educational needs.

Y | N 4. Right to receive prior written notice. (WAC 392-171-521 and 526)
The school district must give you written notice prior to any proposed/refused change in your child's identification, assessment, or provision of special education or related services. The notice must include the following information:
- a full explanation of your procedural safeguards,
- what action the district is proposing or refusing to take,
- a description of each test or report the district used as a basis for the proposal or refusal, and
- options the district considered as alternatives to proposed actions and why these options were rejected,
- a description of other factors relevant to the district's proposal or refusal.

Y | N 5. Right to review school records. (WAC 392-171-585 through 601)
You, or your representative, have the right to see, examine, and have explained, all school records related to your child. If you feel certain records are inaccurate or misleading, you have the right to ask that they be changed or removed from your child's file. Written parental consent must be obtained before personally identifiable information is given to anyone other than educational personnel, or used for any purpose other than that for which it was collected.

Y | N 6. Right to request an impartial due-process hearing. (WAC 392-171-531 through 575)
If you do not agree with the school's actions at any point concerning the identification, assessment, or placement of your child, you have the right to request an impartial due-process hearing. If you request a hearing:
a. you must notify the district, in writing, of the complaint in general or specific terms;
b. the hearing will be conducted by an impartial hearing officer, selected by the superintendent of public instruction (OSPI) and the hearing will be conducted at the expense of OSPI;
c. you may be accompanied by an attorney and/or other persons at your expense during the hearing and the OSPI must inform you of any free or low-cost legal or other relevant services available so you may be represented at the hearing by trained counsel, if you so desire;
d. during hearing, you will have the right to present evidence and to confront, cross-examine, and compel the attendance of witnesses;
e. you have the right to prohibit the introduction, at the hearing, of any evidence that has not been disclosed at least five days before the hearing;
f. you have the right to obtain a written verbatim record of the hearing; and to obtain written findings of facts, conclusions, and judgments;
g. your child will remain in his/her current educational placement during the pendency of any administrative or judicial proceedings or, if applying for initial admission to public school, the child will be placed in school with your consent;
h. a final decision must be reached no later than 45 days after the date of receipt of request for a hearing and you may request a record of the hearing;
i. a decision made in a hearing is final unless modified or overturned in a court of law.

Y | N 7. Right to initiate citizen complaint process. (WAC 392-171-701 through 761)
Complaint issues involve alleged violations of established laws and regulations.
a. You must notify the OSPI, in writing, of the complaint in specific terms;
b. upon receipt of the complaint, a 60-calendar-day period for resolution is triggered;
c. the school district will be given notice, with 20 calendar days to resolve the complaint;
d. you have a right to appeal the district resolution in writing to the OSPI;
e. within 30 days, the OSPI will file a written report of findings; and
f. appeals to OSPI decisions are made to the Department of Education.

Y | N 8. Right to attend a meeting with school officials to develop and review annually an individual education program (IEP) and placement for your child. (WAC 392-171-456, 511)
You have the right to attend a meeting with school staff to develop or review your child's individual educational program (IEP) and school placement. The school district must notify you of the IEP meeting early enough for you to attend and schedule the meeting at a mutually agreed upon time and place. The notice of the IEP meeting must include the purpose, time, location, and participants. If you cannot attend the IEP meeting, the district must use other methods to assure your participation, such as conference telephone calls. The meeting may be conducted without your attendance, but the district must keep a record of its attempts to arrange a mutually agreed upon time and place. The IEP meeting must include the following participants:
a. someone from the school district, other than your child's teacher, who is qualified to provide or supervise special education programs;
b. your child's regular classroom teacher or special education teacher or therapist;
c. one or both parents (in the case of a nonadult student);
d. the student, if he or she is an adult student (and the nonadult student, if appropriate);
e. other individuals at the discretion of the district, parent, or adult student.
The district must take whatever steps are necessary to assure that you understand the proceedings at the IEP meeting. This may include an interpreter for parents (or adult students) who are deaf or whose native language is not English.

A complete set of "Rules and Regulations for Programs Providing Services to Children with Handicapping Conditions," Chapter 392-171, [illegible] is available upon request.

## SCHOOL DISTRICT

## PARENTS RIGHTS STATEMENT

## PUBLIC SCHOOLS

*Issued to parents at student identification, assessment, classification, IEP development and special education placement times.

## SUMMARY OF RIGHTS AND DUE PROCESS

The following is a summary of your rights according to federal and state rules and regulations. The intent of these rules and regulations is to insure that the district fully informs you concerning decisions about your child's school program and to inform you of your rights if you disagree with any of those decisions. Specific rules and regulations from the state special education laws (WAC 392-171) are noted below. If you would like a complete set and/or explanation of state regulations regarding education of students in need of special services, please contact Director of Special Programs for Public Schools.

1. Right to consent or refuse to consent to initial assessment.

   The school district must obtain your written permission prior to initially assessing your child for possible special education services. The district must inform you of proposed test(s) and/or procedures to be used. You also have the right to request that these tests and procedures be explained to you. More than one test or procedure must be used for determining the appropriate educational program for your child. In addition, your child must be reassessed at least once every three years, or more frequently if conditions warrant it or if requested.

2. Right to obtain an independent assessment.

   If you do not feel the school's assessment is fair or accurate, you may request an educational assessment from an agency or professional outside the school at public expense. However, the school may request a hearing if its assessment is challenged. If the hearing officer rules in favor of the school, you still have the right to obtain an independent assessment at your own expense. You have the right to introduce the results of an independently obtained assessment for consideration by the district in determining your child's school program or at a hearing.

3. Right to consent or refuse to consent to initial placement.

   The school district must obtain your written permission prior to initially placing your child in special education. The district must maintain a variety of program settings which allow your child to be placed in the regular school program with nonhandicapped students to the maximum extent appropriate for his/her educational needs.

4. Right to receive prior written notice.

   The school district must give you written notice prior to any proposed change in your child's identification, assessment or provision of special education or related services. The notice must include the following information:

SE-14
Rev. 11/85

- a full explanation of your procedural safeguards,
- what action the district is proposing or refusing to take,
- a description of each test or report the district used as a basis for the proposal or refusal, and
- options the district considered as alternatives to proposed actions and why those options were rejected,
- a description of the other factors relevant to the district's proposal or refusal.

5. Right to review school records.

You, or your representative, have the right to see, examine and have explained all school records related to your child. You have the right to receive copies of your child's records. If you feel certain records are inaccurate or misleading, you have the right to ask that they be changed or removed from your child's file.

Written parental consent must be obtained before personally identifiable information is (a) given to anyone other than educational personnel, or (b) used for any purpose other than that for which it was collected. The district must notify you when either condition (a) or (b) occurs.

6. Right to request an impartial due-process hearing.

If you do not agree with the school's actions at any point concerning the identification, assessment, or placement of your child, you have the right to request an impartial due-process hearing. If you request a hearing:

a. you must notify the district, in writing, of the complaint in general or specific terms.
b. the district shall contact the Superintendent of Public Instruction (OSPI) who will request a hearing from the chief administrative law judge in the office of administrative hearings;
c. hearing will be conducted at the expense of the SPI;
d. you may be accompanied by an attorney and/or other persons at your expense during the hearing and the OSPI must inform you of any free or low-cost legal or other relevant services available so you may be represented at the hearing by trained counsel, if you so desire;
e. during hearing, you will have the right to present evidence and to confront, cross-examine, and compel the attendance of witnesses;
f. you have the right to prohibit the introduction, at the hearing, of any evidence that has not been disclosed at least five days before the hearing;
g. you have the right to obtain a written verbatim record of the hearing; and to obtain written findings of facts, conclusions, and judgments;
h. your child will remain in his/her current educational placement during the pendency of any administrative or judicial proceedings or, if applying for initial admission to public school, the child will be placed in school with your consent;
i. a decision made in a hearing is final unless modified or overturned in a court of law.

7. Right to initiate citizen complaint process.

Complaint issues involve alleged violations of established laws and regulations.

a. You must notify the school district, in writing, of the complaint in specific terms and there are 20 calendar days to resolve complaint;
b. you have a right to appeal the district resolution in writing to the OSPI;
c. the OSPI will file a written report of findings; and
d. appeals to OSPI decisions are made to the Department of Education.

8. Right to attend a meeting with school officials to develop and review annually an individual education program (IEP) and school placement for your child.

You have the right to attend a meeting with school staff to develop or review your child's individual educational program (IEP) and school placement. The school district must notify you of the IEP meeting early enough for you to attend and schedule the meeting at a mutually agreed upon time and place. The notice of the IEP meeting must include the purpose, time location, and participants. If you cannot attend the IEP meeting, the district must use other methods to assure your participation, such as conference telephone calls. The meeting may be conducted without your attendance, but the district must keep a record of its attempts to arrange a mutually agreed upon time and place.

The IEP meeting must include the following participants:

1. someone from the school district other than your child's teacher who is qualified to provide or supervise special education programs;

2. your child's regular classroom teacher or special education teacher or therapist;

3. one or both parents (in case of a nonadult student);

4. the student, if he or she is an adult student (and the nonadult student, if appropriate);

5. a member of your child's assessment team; and

6. other individuals at the discretion of the district, the parent, or the adult student.

The district must take whatever steps are necessary to assure that you understand the proceedings at the IEP meeting. This may include an interpreter for parents (or adult students) who are deaf or whose native language is not English.

Each IEP must include:

1. your child's present levels of educational performance;
2. annual goals and short-term instructional objectives;
3. specific special education and related services and the extent to which your child will participate in the regular education program;
4. projected dates for beginning the services and anticipated duration of the services, including extended school year services if applicable;
5. appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

The district must provide you with a copy of the IEP. These rules and regulations do not promise or guarantee that your child will meet the annual goals and short-term objectives.

The district must hold IEP meetings at least once a year to review and change as necessary your child's IEP and/or special education placement.

NOTE: Consent for initial assessment and placement is voluntary and may be withdrawn by parent or adult student at any time.

5. **Issue:** Procedures the SEA will undertake to insure that each public agency has procedures to implement LRE (34 CFR 300.132; 300.227; 300.550 through 300.556).

**Requested Response:** Amend LEA application procedures to review and approve policies and procedures which satisfies 34 CFR 300.227. These procedures should include instruments and criteria for the review of these LEA policies and procedures.

**Response:** WAC 392-171-471 Least Restrictive Environment; WAC 392-171-476 Continuum of Alternative Placements, and WAC 392-171-481 Placement Options--Selection—Required considerations address the state policy directly related to the cited issue.

As our state moves to clarify state policy regarding LRE requirements and the application of LRE considerations when placing handicapped students in special education programs, the packet of materials attached was used to provide a foundation for statewide training regarding the implementation of the LRE concept (I). Also attached is a letter to an LEA expressing our policy regarding the implementation of OSEP parameters expressed in the content of the information contained in the LRE packet (II). Further training to LEA Special Education Directors as well as placement staff regarding LRE issues will follow this fall (III).

I

## CLARIFICATION - TECHNICAL ASSISTANCE
## Regarding the Least Restrictive Environment

1. Each eligible handicapped student has an opportunity for a free and appropriate education to meet his or her unique needs through the provision of special education and related services as defined by an individual education program (IEP).

2. Placement decisions regarding the implementation of each student's IEP shall be made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and placement options (IEP committee).

3. The IEP committee shall use appropriate criteria in choosing the educational placement for each handicapped student in his or her least restrictive environment. The following LRE parameters are defined in WAC 392-171-471, 476, and 481. The IEP committee shall use these parameters in determining the least restrictive environment.

    - Each handicapped student shall be placed in a regular education environment with nonhandicapped students to the maximum extent appropriate to his or her needs, unless it can be demonstrated by the school district that the nature or severity of the student's disability is such that his or her education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (WAC 392-171-471(1a))

    - Each handicapped student shall be placed in the school which he or she would attend if not handicapped, unless his or her individualized education program requires some other arrangement. If some other arrangement is required, the student shall be placed in an appropriate educational program that is as close to the student's home as is reasonably possible. (WAC 392-171-471(1b))

    - Each handicapped student shall be provided nonacademic and extracurricular services and activities conducted by the school district...with nonhandicapped students to the maximum extent appropriate to the needs of the student. (WAC 392-171-471(2)

    - A continuum of alternative placement options shall be made available as is necessary to meet the needs of the district's handicapped students for special education and related services...including instruction in regular classes, special classes, special schools, home instruction, instruction in hospitals and institutions...(WAC 392-171-476)

    - The placement of each handicapped student shall be determined annually. The selection of the appropriate placement option or options for each handicapped student shall be based upon:

        (a) The student's individualized education program;
        (b) The least restrictive environment requirements of WAC 392-171-471;
        (c) The option or combination of options that provides a reasonably high probability of assisting the student to attain his or her annual goals; and
        (d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs. (WAC 312-171-481)

Additional considerations which the IEP committee may use in determining the least restrictive environment:

- Each placement should be made in a chronologically age appropriate classroom.
- Each placement should be made in a chronologically age appropriate school.
- Each placement should provide an opportunity for handicapped students to participate with nonhandicapped peers in social interactions and should not be so physically isolated as to preclude interactions with nonhandicapped peers.
- Handicapped students in educational environments with nonhandicapped students should account for no more, or only slightly more than the normal distribution of handicapped students in the school aged population, unless otherwise indicated by individual student needs.
- Placement decisions should not be determined by the availability of services, cost configuration of service delivery systems or category of handicapping condition.
- Handicapped children should be removed from regular classes only when accomplishment of IEP goals and objectives (which are appropriate for the child) cannot be achieved satisfactorily. Such removal should be based on compelling evidence which demonstrates that:

    i. Inability to achieve such goals and objectives is based solely on the presence of nonhandicapped children in the classroom or the educational environment.

    ii. Other factors which might account for nonachievemebnt such as, instructional methodologies or content (curriculum, teaching approaches, and classroom settings) should be eliminated as potential contributors to nonachievement.

    iii. Any removal from the regular educational environment should result in improved educational achievement.

    iv. Any necessary service in a more restrictive environment cannot be provided in a less restrictive environment.

/dg

## State of Washington

# RULES AND REGULATIONS
# for
# Programs Providing Services to Children with Handicapping Conditions
# CHAPTER 392-171, 173 WAC

October 1984

## PLACEMENTS

**WAC 392-171-466 Initial educational placement--Notice--Consent.** (1) Each school district shall provide written notice of a student's proposed, initial special education placement, or of the district's inability or refusal to make a special education placement, at the initial meeting or within ten calendar days after the initial meeting provided for in WAC 392-171-456. The notice shall comply with the notice requirements of WAC 392-171-526. Provided that pupils admitted to state residential schools shall be enrolled in an educational program within ten school days of admission.

(2) The written consent of the parent(s) (or adult student) shall be requested if special education placement is proposed.

(3) The student's proposed special education placement shall commence when either:

(a) Written consent has been given by the parent(s) (or the adult student); or

(b) The refusal of a student's parent(s) (or adult student) to grant consent has been overridden by the school district pursuant to a hearing (or appeal) conducted in accordance with WAC 392-171-521 et seq. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-466, filed 8/19/80. Formerly WAC 392-171-450. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-450, filed 10/31/78.]

**WAC 392-171-471 Least restrictive environment.** The placement and provision of services to each handicapped student shall be in his or her least restrictive environment as follows:

(1) Educational setting—Each handicapped student shall be placed:

(a) In the regular educational environment with nonhandicapped students to the maximum extent appropriate to his or her needs, unless it can be demonstrated by the school district that the nature or severity of the student's disability is such that his or her education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and

(b) In the school which he or she would attend if not handicapped, unless his or her individualized education program requires some other arrangement. If some other arrangement is required, the student shall be placed in the appropriate educational program that is as close to the student's home as is reasonably possible.

(2) Nonacademic settings—Each handicapped student shall be provided nonacademic and extracurricular services and activities conducted by the school district (e.g., meals, recess, recreation, athletics, counseling, transportation, student club activities, etc.) with nonhandicapped students to the maximum extent appropriate to the needs of the student. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-471, filed 8/19/80.]

**WAC 392-171-476 Continuum of alternative placements.** A continuum of alternative placement options shall be made available as is necessary to meet the needs of the district's handicapped students for special education and related services.

The option shall include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, and shall provide for supplementary services such as resource room or itinerant instruction in conjunction with regular class placement. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-476, filed 8/19/80.]

**WAC 392-171-481 Placement options--Selection--Required considerations.** (1) The placement of each handicapped student shall be determined annually at a meeting conducted pursuant to WAC 392-171-456.

(2) The selection of the appropriate placement option or options for each handicapped student shall be based upon:

(a) The student's individualized education program;

(b) The least restrictive environment requirements of WAC 392-171-471;

(c) The option or combination of options that provides a reasonably high probability of assisting the student to attain his or her annual goals; and

(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-481, filed 8/19/80. Formerly WAC 392-171-460. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-460, filed 10/31/78.]

**WAC 392-171-486 Home/hospital instruction.** Home or hospital instruction shall be provided to both handicapped students and other students who are unable to attend school for an estimated period of four weeks or more because of physical disability or illness. As conditions to such services, the parent(s) of a student (or the adult student) shall request the services and provide a written statement to the school district from a qualified medical practitioner that states the student will not be able to attend school for an estimated period of at least four weeks. A student who is not otherwise handicapped pursuant to WAC 392-171-310 who qualifies pursuant to this subsection shall be deemed "handicapped" only for the purpose of home/hospital instructional services and funding and may not otherwise qualify as a handicapped student for the purposes of generating state or federal special education funds. A school district shall not pay the cost of the statement from a qualified medical practitioner for the purposes of qualifying a student for home/hospital instructional services pursuant to this section.

Home-hospital instructional services funded in accordance with the provisions of this section shall not be used for initial or on-going placement of otherwise handicapped students. It shall be limited to placement as is deemed necessary to provide temporary intervention as a result of a physical disability or illness. [Statutory health services as provided by RCW 28A.58.770. [Statutory Authority: RCW 28A.13.070(7). 80-11-036 (Order 80-31), § 392-171-711, filed 8/19/80. Formerly WAC 392-171-695, Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-079 (Order 11-78), § 392-171-695, filed 10/31/78.]

**WAC 392-171-716 Comparable facilities.** If a school district, in compliance with this chapter, operates a facility that is identifiable as being for handicapped students, the district shall assure that the facility and the services and activities provided therein are comparable in quality to the district's facilities, services, and activities for nonhandicapped students. [Statutory Authority: RCW 28A.13.070(7). 80-11-036 (Order 80-31), § 392-171-716, filed 8/19/80.]

**WAC 392-171-721 Program length.** The length of the education program for handicapped students shall be at least as long as the education program for nonhandicapped students in terms of both the number of school days in the regular school year and the average number of hours per school day. If a handicapped student cannot attend school a full school day, the reason shall be documented in his or her education or medical records. [Statutory Authority: RCW 28A.13.070(7). 80-11-036 (Order 80-31), § 392-171-721, filed 8/19/80. Formerly WAC 392-171-705, Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-079 (Order 11-78), § 392-171-705, filed 10/31/78.]

**WAC 392-171-726 Administration of medication.** (1) Medication may be administered to a handicapped student by school district personnel subject to the state professional licensing laws and the following conditions:

(a) The medication shall be administered pursuant to a written order and written instruction from the student's physician; and

(b) The medication shall be supplied by the student's parent(s) (or the adult student).

(2) The orders and instructions shall be current, obtained at least yearly, and reviewed and updated whenever there is a significant change in the student's school activity program, in accordance with policies adopted by the school district. [Statutory Authority: RCW 28A.13.070(7). 80-11-036 (Order 80-31), § 392-171-726, filed 8/19/80.]

## MONITORING, AUDITS—WITHHOLDING AND RECOVERY OF FUNDS

**WAC 392-171-731 Monitoring.** (1) The superintendent of public instruction or his or her designee shall annually monitor selected local school district special education programs. The purposes of monitoring shall be:

(a) To determine the school district's compliance with this chapter and the federal regulations implementing 20 USC Section 1401 et seq. (PL 94-142) and federal and state handicapped laws including validation of information included in school district applications for federal funds;

(b) To provide the school district with technical assistance for improving the quality of its special education program.

(2) The superintendent of public instruction or his or her designee shall develop procedures (including specific timelines) for monitoring school districts. These procedures shall include:

(a) Collection of data and reports;

(b) Conduct of on site visits;

(c) A review of state and federal special education fund utilization; and

(d) Comparison of a sampling of individualized education programs with the programs actually provided.

(3) Following a monitoring visit, a written monitoring report shall be submitted to the school district. The monitoring report shall include, but not be limited to:

(a) Findings of noncompliance, if any; and

(b) Required corrective actions for remediation of any such instance(s) of noncompliance.

(4) The school district shall have thirty calendar days after the date of its receipt of the monitoring report to provide the office of superintendent of public instruction with:

(a) Supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report;

(b) A written action plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remediate the instance(s) of noncompliance.

(c) In the event that the district submits supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report, the office of superintendent of public instruction shall within thirty calendar days provide the district with a determination as to the alteration of the monitoring report. The school district shall, within thirty calendar days of receipt of the determination, provide the office of superintendent of public instruction a written action plan, if any, pursuant to that determination.

(5) The superintendent of public instruction or his or her designee either shall approve the plan as submitted or shall request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted, the district shall be provided written notice of:

(a) Approval;

(b) The performance expected of the district; and

(c) The schedule for periodic review or verification of the district's progress toward remediation of the instance(s) of noncompliance.

(6) If the school district fails to submit an approvable corrective action plan pursuant to WAC 392-171-731(4) or fails to comply with a corrective action plan approved pursuant to WAC 392-171-731(5), the superintendent of public instruction or his or her designee shall institute procedures to insure corrective action or prompt response to a monitoring report. Such procedures may include one or more of the following:

35c

(a) Verification visits by OSPI staff to:

(i) Determine whether the school district is taking the required corrective action;

(ii) Examine the school district's response to a monitoring report;

(iii) Provide any necessary technical assistance to the school district in its efforts to comply.

(b) Withhold, in whole or part, a specified amount of state and/or federal special education funds, pursuant to WAC 392-171-696 and 392-171-786.

(c) Initiate request for OSPI audit pursuant to WAC 392-171-776 through 392-171-796 which may result in the recovery of unlawfully received or expended of state and/or federal special education funds. [Statutory Authority: RCW 28A.13.070(5). 80-08-036 (Order 80-19), § 392-171-771, filed 6/26/80; 80-11-034 (Order 80-31), § 392-171-771, filed 8/19/80.]

**WAC 392-171-776 Definition of "unlawfully received or expended funds."** For the purpose of WAC 392-171-781 through 392-171-796, "unlawfully received or expended funds" shall mean any state or federal special education funds received and held or expended by a school district in a manner or for a purpose that is in violation of any provision of:

(1) State statute or rule, including this chapter; or

(2) Any federal rule or condition to funding that may now or hereafter supplement this chapter. [Statutory Authority: RCW 28A.13.070(5). 80-11-034 (Order 80-31), § 392-171-776, filed 8/19/80. Formerly WAC 392-171-515. Statutory Authority: RCW 28A.13.010 and 28A.13.070(5). 78-11-079 (Order 11-78), § 392-171-515, filed 10/31/78.]

**WAC 392-171-781 Audits.** (1) The superintendent of public instruction or his or her designee shall conduct fiscal/program audits of school district special education programs. The purposes of such audits shall be:

(a) To determine compliance or noncompliance with:

(i) A school district's application(s) for state and federal excess cost funds;

(ii) the provisions of this chapter; and

(iii) any supplemental federal conditions to funding as may now or hereafter exist.

(b) To establish a factual basis for:

(i) The recovery of unlawfully received or expended state or federal special education funds; or

(ii) the initiation of fund withholding proceedings.

(2) Preliminary audit report. Following an audit, a preliminary written audit report shall be submitted to the school district for review and comment. The preliminary audit report shall include, but not be limited to:

(a) Findings of noncompliance which could include comparison to findings of noncompliance as a result of monitoring, if any; and

(b) Recommendations for remediation of any such instance(s) of noncompliance.

(3) The school district shall have fifteen days after the date of its receipt of the preliminary audit report to provide the superintendent of public instruction or his or her designee a written reply setting forth any supplemental arguments and/or facts that may serve as a basis for alteration of the preliminary finding(s) of noncompliance.

(4) Final audit report—A final written audit report shall be provided to the school district after review of the supplemental arguments and/or facts submitted by the district. The final audit report shall include, but not necessarily be limited to:

(a) Findings of noncompliance, if any; and

(b) Recommendations for remediation of any such instance(s) of noncompliance.

(5) The school district shall have fifteen days after the date of its receipt of the final audit report to provide the superintendent of public instruction or his or her designee a written plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remedy the instance(s) of noncompliance.

(6) The superintendent of public instruction or his or her designee shall either approve the plan as submitted or request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted the district shall be provided written notice of:

(a) Approval;

(b) The performance expected of the district; and

(c) The schedule for periodic review or audit of the district's progress toward remediation of the instance(s) of noncompliance. [Statutory Authority: RCW 28A.13.070(5). 80-11-034 (Order 80-31), § 392-171-781, filed 8/19/80. Formerly WAC 392-171-520. Statutory Authority: RCW 28A.13.010 and 28A.13.070(5). 78-11-079 (Order 11-78), § 392-171-520, filed 10/31/78.]

**WAC 392-171-786 Fund withholding.** (1) In the event a school district fails to submit an approvable remediation plan pursuant to WAC 392-171-781 or fails to submit an approvable corrective action plan pursuant to WAC 392-171-771 or fails to comply with a remediation plan approved pursuant to WAC 392-171-781 or fails to comply with a corrective action plan pursuant to WAC 392-171-771, the superintendent or his or her designee shall provide the school district notice pursuant to RCW 28A.88.010 of:

(a) Intent to withhold a specified amount of state and/or federal special education funds; and

(b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to commencement of the withholding.

(2) Funds may be withheld in whole or part in the event the district fails to request a hearing or the hearing decision upholds the final audit or monitoring in whole or part. [Statutory Authority: RCW 28A.13.070(5). 80-11-034 (Order 80-31), § 392-171-786, filed 8/19/80. Formerly WAC 392-171-525. Statutory Authority: RCW 28A.13.010 and 28A.13.070(5). 78-11-079 (Order 11-78), § 392-171-525, filed 10/31/78.]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

2. Woodside School appears to be a segregated facility serving primarily handicapped students. Woodside, as a special education setting, does not appear to meet the letter or the intent of the least restrictive environment requirements as stated in P.L. 94-142 regulations (300.550 - 300.556) or WAC 392-171 (471, 476, 481). In order to correct this situation, students from Woodside School must be integrated with regular education students to the same extent as other normalized school environments within the district, i.e. same nonhandicapped to handicapped ratios as prevail on the average throughout other district schools. The development of an LRE transition plan addressing the Woodside issue must be included in the corrective action plan with attention to least restrictive environment provisions as stated in WAC 392-171-471, 476, 481.

### Required Corrective Actions:

Highline must correct all files listed on the student file review sheet, design data collection procedures for one student, develop and implement a plan to resolve facility inadequacies, and address the LRE issue of Woodside School.

All areas of noncompliance must be addressed through the development of an approved corrective action plan due for approval at the ESD within 30 days of the district's receipt of this report (WAC 392-171-731(4b)). If you desire technical assistance in the development of an appropriate corrective action plan, please contact Shareen Paff or Gordon Linse, ESD 121, Inservice Coordinator.

Corrective actions must be implemented within 60 days of the district's receipt of this report. A visit/meeting to verify the district's completion of corrective actions related to compliance issues will be scheduled cooperatively with district special education administrative staff promptly following the 60-day period.

Thank you for the assistance and cooperation provided by district special education staff during the monitoring visit.

Sincerely,

DIVISION OF SPECIAL SERVICES
AND PROFESSIONAL PROGRAMS

Greg D. Kirsch

Greg D. Kirsch, Ph.D.
Director, Special Education

[illegible]
cc: John [illegible], Special Education Director
[illegible], ESD 121 Special Education Director
Gordon Linse, ESD 121 Inservice Coordinator
Shareen Paff, ESD 121 Inservice Coordinator

SEAC file

SPI

DR FRANK B. BROUILLET

Superintendent of Public Instruction

# Washington State
# Special Education Advisory Council

April 16, 1985

Dr. Judy Schrag, Assistant Superintendent
Division of Special Services and Professional Programs
Office of State Superintendent of Public Instruction
Old Capitol Building, FG-11
Olympia, WA 98504

Dear Judy:

As you are aware, the Washington State Special Education Advisory Council has been working for some time to develop a definition and position statement regarding special education placements. Our original position statement, adopted May 31, 1984, addressed the use of segregated facilities only. The Council believes that our position statement should reflect broader placement options for identified handicapped children.

The attached program statement and recommendations is the result of the work of an appointed task force. Following several discussion meetings of the Council, the position statement was adopted on March 28th, 1985.

The Council desires that the Agency adopt and utilize this information as a benchmark which will assist public school systems, private schools and residential schools in more appropriately serving handicapped students in the least restrictive environment.

We look forward to the Agency's response. May we look forward to the Agency's report during our May 30-31 meeting?

Sincerely,

Kirby L. Cleveland

Kirby M. Cleveland
Chairperson, Washington State Special Education Advisory Council

cc: Dr. Greg Kirsch
Dr. Frank Brouillet
Council Members

The Special Education Advisory Council is hereby established in order to help facilitate the provision of special education and related services to meet every handicapped student's unique needs, abilities, and limitations.

Old Capitol Building FG-11 Olympia Washington 98504

# WASHINGTON STATE SPECIAL EDUCATION ADVISORY COUNCIL
# POSITION ON
# SPECIAL EDUCATION PLACEMENT

## DEFINITION

A segregated special education facility is defined as a building housing special programs and/or services which, by location, program design and/or administrative practices, separates unique classes or types of handicapped students from non-handicapped age peers.

## MODIFIED POSITION (ORIGINALLY ADOPTED MAY 31, 1984)

The Washington State Special Education Advisory Council supports adherence to PL 94-142 (as amended by 98-199) and its intent, including the attainment of free appropriate public educational opportunities for all handicapped students in Washington State. It is the position of the Council that:

1. The existence of segregated special education facilities may be evidence that school districts have assigned students on a categorical, as opposed to an individual basis.

2. The exclusive use of segregated special education facilities for handicapped children denies them significant opportunity to interact with their non-handicapped peers and must be discontinued, except when the student's educational needs can be met only in such a facility.

3. There must be a continuum of placement options available and considered for each student. The options attached are listed from least to most restrictive. For any but the "full time regular education" option, there must be an individual program and plan with criteria and opportunity for movement to a less restrictive program/placement.

4. Students shall be placed in the least restrictive placement option that can be adapted to meet the student's educational needs. The Multidisciplinary Team and Individual Education Program committees must document rejection of less restrictive placement(s) for each student.

The Council recommends that the Superintendent of Public Instruction in guaranteeing the adherence to the procedures and intent of PL 94-142, including Free Appropriate Public Education, be responsible to do the following:

1. Ensure that school districts have a full continuum of placement options available to all handicapped students, regardless of severity level;

2. Through the use of funding, monitoring and leadership capacities, to encourage school districts, educational service districts and non-public agencies without a full continuum of placement options to reassign students as neccessary to provide an opportunity for mainstreaming. Prior to the funding of construction or capital improvement

of or for segregated facilities, a program review must document the essential need for such a facility.

3. Ensure that in providing the least restrictive environment, consideration is given to age-appropriateness, significant representative numbers, and time to allow for sufficient structured interaction.

*see attached continuum of placement options

## CONTINUUM OF EDUCATIONAL PLACEMENT OPTIONS

1. Full-Time "regular education" placement, which may include adaptions to curriculum, materials, or instructional strategies and/or consultive services.

2. Full-time "regular Education" with additional resources which may include additional staff and/or alternate programs within the "regular" setting.

3. "Regular Education" placement with part time in a separated "pull-out" special education program within an integrated facility.

4. Half-time or greater special education placement in a separated program within an integrated facility which includes "mainstreaming".

5. Full-time special education in a separated program within an integrated facility which includes reverse mainstreaming.

6. Full-time special education in a separated program within an integrated facility (not including mainstreaming).

7. Full-time special education in a separated building on an integrate site which includes mainstreaming (either standard or reverse).

8. Full-time special education placement in a separated building on an integrated site not including mainstreaming.

9. Full-time special education in a separated building on a separated site which may include a separate school, home, hospital or residential program.

# NASDSE ANNUAL MEETING

# bulletin

.CRAMENTO, CALIFORNIA Thursday, October 31, 1985

## PATTY GUARD, OSEP OFFICIALS DISCUSS PRIORITIES, PLANS

Patty Guard, OSEP Acting Director, discussed priorities for FY 86 and monitoring plans at yesterday's general session. State directors received a Resource Information Packet and a state-specific folder of regulations and grant awards for the state since last March, as well as a folder on State Plans. Key areas will be transition, Least Restrictive Environment, and learning disabilities

Trends in transition include a new population of moderately mentally handicapped moving to the job market and expansion to include adult life, community living, leisure and recreation, as well as increased involvement with the private sector. On LD activities will increase knowledge of service needs, expand postsecondary opportunities, develop a coordinated research plan with NIHR, and develop administrative skills to provide inservice training for regular educators. Information packages are being developed on LRE, and plans are to develop statewide system changes and improve monitoring of state implementation.

Monitoring manuals will be examined by a working group meeting Nov. 17-19 representing NASDSE, Congressional staffs, parent groups and interest groups. Topics will include how to clarify the manuals to serve as a technical assistance tool, and alternative methods for administering requirements. Then manuals will be developed in final form (3 in draft form - LRE, general supervision, SEA monitoring; IEP is to be next draft). Manuals are to be used to:

- clarify federal requirements,
- make compliance determinations,
- demonstrate compliance implementation

Six monitoring visits made thus far have shown the need for OSEP staff development and more training for SEA staff. Refinements will include reducing data requests to be sent in advance, review on site of policies and procedures, revised interview guides..

DRAFT

# SPECIAL EDUCATION PROGRAMS
# COMPREHENSIVE MONITORING SYSTEM

Orig! Bob — Do you have copies?

## Component 3: Comprehensive Compliance Review of State Education Agency Operations

## Manual 10: Least Restrictive Environment

Special Education Programs
Office of Special Education and Rehabilitative Services
U.S. Department of Education
1985

6/85

DRAFT

# COMPLIANCE MONITORING MANUAL 10
# LEAST RESTRICTIVE ENVIRONMENT

## INTRODUCTION

This manual is designed to assist Special Education Programs (SEP) in conducting comprehensive compliance reviews of State Educational Agencies' (SEAs) responsibilities in the area of monitoring.

The Compliance Monitoring Manuals includes statutory and regulatory requirements from Part B of the Education of the Handicapped Act as amended (Part B) and the Education Department General Administrative Regulations (EDGAR). These requirements are the sole basis for making determinations of compliance and non-compliance with Federal requirements.

To ensure consistency in making determinations of compliance and non-compliance, each manual also contains standards which are descriptions of a proper method for the administration and implementation of Part B and EDGAR requirements. These standards are marked with an asterisk (*). When a standard is marked by an asterisk, the SEA may set forth alternative proper methods for administering and implementing the Part B and EDGAR requirements. SEP will review such alternatives and make determinations of compliance and non-compliance against the regulatory requirements.

# COMPLIANCE MONITORING MANUAL 10
# LEAST RESTRICTIVE ENVIRONMENT

## TABLE OF CONTENTS

Page

I. Definitions.................................... 1

II. Statutory and Regulatory Citations.................. 2

III. Documents Needed for Compliance Review.............. 3

IV. Least Restrictive Environment: Compliance Standard.. 5

V. Policy and Procedures Review ,...................... 11

VI. Implementation Review............................. 17

## IV. Least Restrictive Environment: Compliance Standard (10.S)

Federal statutes and regulations require that each State Education Agency (SEA) carry out a minimum of seven administrative responsibilities regarding the education of handicapped children to the maximum extent appropriate with their nonhandicapped peers. These responsibilities are:

10.S.1. Adoption and use of policies and procedures which require that each public agency establishes and implements procedures which ensure that:

A. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped; and

B. Special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature of severity of the handicap is such that education in regular class with the use of supplementary aids and services cannot be achieved satisfactorilty. (34 CFR 300.550)

10.S.2. Adoption and use of policies and procedures which ensure that handicapped children participate with nonhandicapped children in non-academic and extracurricular activities to the maximum extent appropriate. (34 CFR 300.553; 300.306)

10.S.3. Adoption and use of policies and procedures which ensure that handicapped children have available to them the variety of educational programs and services available to non-handicapped children. (34 CFR 300.305; 300.307)

10.S.4. Review and approval of public agency procedures for implementing least restrictive environment requirements. (34 CFR 300.227)

10.S.5. Adoption and use of a proper method of disseminating information regarding the least restrictive environment requirements. (34 CFR 76.101(3)(iv))

10.S.6. Provision of technical assistance and training to implement the least restrictive environment requirements. (34 CFR 300.555)

10.S.7. Adoption and use of a propoer method of monitoring the implementation of the least restrictive environment requirements to determine compliance with applicable Federal and State requirements. (34 CFR 300.556; 76.101(3)(i))

The following standards are set forth in order to indicate how public agencies can comply with the least restrictive environment requirements:

[redacted] Adoption and Use of Procedures which Ensure that Each Public Agency Establishes and Implements Procedures which Meet the Least Restrictive Environment Requirements.

a. The placement of handicapped children is based upon a completed IEP.

b. IEP development, review, and revision, annual review of placement, and reevaluations are conducted or supervised by personnel responsible for the provision of FAPE to each child served by the public agency.

c. Placement is determined at least annually.

d. The placement decision is made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.

e. A continuum of alternative placement is available to each public agency to implement the IEP of each handicapped child.

   i. The continuum includes regular classrooms, resource rooms, special classes, separate schools, institution, residential facilities, homebound instruction, and hospitals.

f. Children must be placed on the basis of individual needs and not as a result of the category of handicapping condition or configuration of the service delivery system.

g. Placement is not made on the basis of availability of related services.

h. Each handicapped child attends the school which would be attended if the child were not handicapped unless attendance at another school is specifically required to implement the IEP.

i. If placement is required in a school other than the school the handicapped child would attend if not handicapped, placement must be made in a school or facility nearest the child's home which affords an opportunity for interaction with non-handicapped peers.

[illegible] Handicapped children are removed from regular classes only when accomplishment of IEP goals and objectives (which are appropriate for the child) cannot be achieved satisfactorily. Such removal must be based on compelling evidence which demonstrates that:

[illegible] Inability to achieve such goals and objectives is based solely on the presence of non-handicapped children in the classroom or the educational environment.

[illegible] Other factors which might account for non-achievement such as, instructional methodologies or content (curriculum, teaching approaches, and classroom settings) must be eliminated as potential contributors to non-achievement.

[illegible] Any removal from the regular educational environment will result in improved educational achievement.

[illegible] Any necessary service in a more restrictive environment cannot be provided in a less restrictive environment.

6. In order to determine appropriate placement when removal is justified, the following standards must be met:

i. If a handicapped child is removed from the regular classroom, placement in a chronologically age appropriate classroom must be provided.

ii. If a handicapped child is removed from the regular classroom, placement in a chronologically age appropriate school must be provided.

iii. Educational environments in which handicapped children are placed afford an opportunity for interaction with non-handicapped peers and therefore, should not be so isolated as to preclude interactions with non-handicapped peers.

7

iv. Handicapped children in educational environments with non-handicapped children account for no more or only slightly more than the normal distribution of handicapped students in the school aged population.

v. No child in an institution who can achieve education satisfactorily in a regular public school setting may be denied access to an education in that school.

vi. In instances where academic instruction is provided in residential settings, handicapped children in those residential settings are also provided opportunities for participation with non-handicapped children.

10.8.3. Adoption and Use of Policies and Procedures which Ensure that Handicapped Children Participate with Non-handicapped Children in Non-academic and Extracurricular Activities to the Maximum Extent Appropriate.

a. Non academic and extracurricular services and activities normally provided to nonhandicapped children must be accessible to handicapped children to the maximum extent appropriate with non-handicapped children. Non-academic and extracurricular services and activities may include:

i. Counseling services;
ii. Athletics;
iii. Transportation;
iv. Health services;
v. Recreational activities;
vi. Special interest groups or clubs sponsored by the public agency;
vii. Referrals to agencies which provide assistance to handicapped persons; and
viii. Employment of students including:
   - Employment by the public agency; and
   - Assistance in making outside employment available.

b. In instances where academic instruction is provided in special classes or other restrictive classes or other restrictive settings non-academic and extra curricular activities must be provided to handicapped children in the regular or least restrictive environment to the maximum extent appropriate.

c. Each handicapped child in any educational setting must be afforded the opportunity to participate in the regular physical education program available to non-handicapped children, unless the child needs specially designed physical education, as prescribed in the child's IEP.

d. Any necessary service in a more restrictive environment cannot be provided in a less restrictive environment.

10.9.1.10 To determine appropriate placement when removal is justified, the following standards must be met:

a. If a handicapped child is removed from the regular classroom, placement in a chronologically age appropriate classroom must be provided.

b. If a handicapped child is removed from the regular classroom, placement in a chronologically age appropriate school must be provided.

c. Educational environments in which handicapped children are placed afford an opportunity for interaction with non-handicapped peers and therefore, should not be so physically isolated as to preclude interactions with non-handicapped peers.

d. Handicapped children in educational environments with non-handicapped children account for no more, or only slightly more than the normal distribution of handicapped students in the school aged population.

e. No child in an institution who can achieve education satisfactorily in a regular public school setting may be denied access to an education in that setting.

f. In instances where academic instruction is provided in residential settings, handicapped children in those residential settings are also provided opportunities for participation with non-handicapped children.

10.9.2. Adoption and Use of Policies and Procedures which Insure that Handicapped Children Participate with Non-handicapped Children in Non-academic and the Extracurricular Activities, to the Maximum Extent Appropriate.

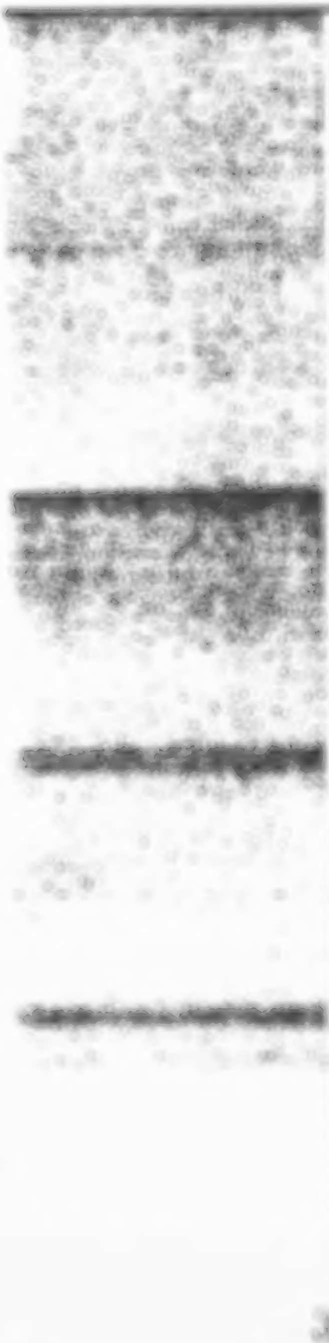
At a minimum the procedures must contain the following requirements that:

10.9.2.1 All public agencies must make non-academic and

# newsletter

TASH: The Association for Persons with Severe Handicaps

April, [illegible]



# Monitoring LRE

by [illegible]

*[illegible]*

[illegible]

[illegible]

[illegible]

Please see LRE on page 5

# Guard speaks in Boston

LRE continued from page 1

[illegible]

"...no child with handicaps needs to be removed from integrated settings."

[illegible]

[illegible] LRE page 5

LRE continued from page 5

[illegible]

# EDUCATION for the HANDICAPPED LAW REPORT

Supplement 170
June 6, 1986

## SUMMARY AND ANALYSIS

### OCR NOMINEE WITHDRAWS NAME; CALLS FOR PRESIDENTIAL PANEL

The Administration's nominee for Assistant Secretary for Civil Rights in the Department of Education, Barbara Lerner, has withdrawn herself from consideration and called for a bipartisan Presidential panel to review civil rights enforcement.

Lerner said that the administrative burden required in civil rights enforcement as a result of the Supreme Court's decision in *Grove City College v. Bell*, 465 U.S. 555 (1984), leaves OCR staff with little time for effective enforcement. *Grove City* limited the application of civil rights laws to the specific programs within organizations actually receiving Federal funds. As a result, OCR staff are required to spend far more time justifying their jurisdiction in any case of alleged discrimination.

She said that while *Grove City* constitutes a serious threat to effective civil rights enforcement, it was an expression by the Supreme Court of the exasperation that had developed because of antagonistic and petty OCR enforcement policies. Lerner said a bipartisan Presidential panel is needed to rectify the situation.

An attorney and psychologist, with experience in education analysis and testing, Lerner was nominated earlier this year to succeed Harry Singleton as Director of OCR. She heads a Princeton, New Jersey consulting firm and notified Secretary Bennett of her decision by letter dated May 27.

### EDUCATION DEPT. AMENDS REGS ON SEA ADMINISTRATIVE COSTS

Last November, Congress amended the Education of the Handicapped Act, Section 611 of Part B, 20 U.S.C. 1411, to increase the amount available for State administrative costs. Pub. L. 94-142 was amended by section 601(a) of Pub. L. 99-159 to increase the amount by $50,000 — that is, from $300,000 to $350,000. Now the Department of Education has issued the appropriate technical amendments to its regulations, Reg. 300.620,

### *HIGHLIGHTS*

OSEP, OCR to Confer on Suspension Policy .......... SA-260
OSEP Letter Addresses LRE Mandate .......... SA-261
OCR Region V Issues LoF on Addicted Students .......... SA-262
Nonresident Policy Can't Bar Handicapped .......... SA-264

gering the procedural safeguards. OCR requested that the district modify its policy to comply with OCR's interpretation of the Section 504 regulations.

**Inquiry from Former OSEP Director** . . . This spring Florida's state director, Wendy M. Cullar, formerly Director of OSEP, sent a copy of OCR's letter to OSEP. She asked OSEP whether it agreed with the OCR policy and, if so, what was its legal authority. Dr. Cullar also commented that she believed OCR's interpretation "exceeds the authority of [the] Section 504 regulation" and suggested that if the ten-day rule is to be applied, it should be adopted as a regulation.

OSEP responded that EHA and its regulations are silent on the issue. However, school districts receiving Federal funds must still comply with Section 504 requirements as set forth by OCR. OSEP suggested that Dr. Cullar address any questions about the authority for OCR's policies to OCR.

OSEP assured Dr. Cullar that "it is this office's policy to ensure that, to the extent possible, OCR and OSERS act consistently in addressing issues regarding the provision of FAPE to handicapped children. With this policy objective in mind, we intend to discuss with OCR staff in the near future its policy on suspension and expulsion."

## OSEP ADDRESSES QUESTIONS ON LRE, HEARING OFFICERS, BURDEN OF PROOF

Compliance with EHA's least restrictive environment requirement is mandatory, OSEP has told a child's attorney. A school district must have available a continuum of alternative placements and must place a child in one of those alternatives based upon his individual needs as described in his IEP. It may not make placements based solely on administrative convenience, category of handicapping condition, or assumptions about the needs of a group of students. **Mayerson** (EHA 1986), p. 211:384.

OSEP's letter was in response to the attorney's questions about the force of the LRE mandate, the burden of proof, a hearing officer's authority, and placement in segregated facilities.

**LRE Mandate** . . . EHA requires participating states to assure that handicapped children will be educated with nonhandicapped children to the maximum extent appropriate. This language is mandatory, OSEP says. It was not Congress' intention "only to suggest one of several available methods of designing programs for handicapped students."

**Segregated Facility**. . . The attorney asked about the circumstances under which a school district can place a student in a segregated facility. If a student's IEP can be implemented in a special class within a regular school, but the district has no such placement available, can it place the student in a segregated facility? Can the district contract for placement of *all* of its severely handicapped students in segregated facilities without considering other options?

OSEP replied that a school district must offer a continuum of alternative placements to meet the needs of handicapped children as defined by their IEPs. "It is contrary to the intent of the EHA-B to develop an IEP for a child or to select a placement which provides for a segregated setting in favor of placement in the regular school environment, if this placement decision is based upon factors that are solely administrative in nature and not upon the needs of the child." Similarly, development of IEPs or placement based on the category of handicapping condition or assumptions about the needs of a group of handicapped children, *i.e.*, the severely handicapped, is prohibited.

**Hearing Officer's Authority**. . . The attorney also asked whether a hearing officer may order a school district to establish a special class within a regular school when such a placement is appropriate but not available. If the hearing officer decides that a special class in a regular school is the least restrictive environment in which the student's IEP can be implemented, he must order that *type* of placement, OSEP explained. The hearing officer does not actually order the district to establish a particular class. However, in *order* to provide the type of placement ordered, the district may have to establish a new class if this type of placement is not available.

**Burden of Proof**. . . When the parent seeks placement of the child in a regular school building, the attorney asked, is the burden on the parent to demonstrate why the IEP must be implemented there or is the burden on the district to demonstrate why it cannot be implemented in a regular school? OSEP replied that EHA does not place the burden of proof on either party. Instead it sets forth situations in which removal from the regular school setting is permissible and procedures for making placement decisions. EHA requires that a placement decision be based on an IEP. Parents and the school district are equal participants in the IEP development and review process, OSEP noted, and neither has the burden of proof.

# "TO ASSURE THE FREE APPROPRIATE PUBLIC EDUCATION OF ALL HANDICAPPED CHILDREN"

*Education of the Handicapped Act, Section 618,*
*as amended by Public Law 94-142*

Eighth Annual Report to Congress
on the Implementation of
The Education of the
Handicapped Act

Volume I

U.S. Department of Education

1986

the demands of secondary textbooks. During each of the three years of the project, a research study will be conducted that is focused on the validation of one of these teaching routines. In each of the three studies, 10 teachers will be taught to use a given teaching routine which they will implement in at least one of their classrooms. Student performance data will be collected on a total of 90 students in each study.

- University of Oregon. The purpose of this research is to investigate the process and effects associated with the enhancement of instructional programs for students exhibiting academic or behavioral problems in regular education. The following three treatment conditions will be compared: (a) consultation with classroom measurement and evaluation data; (b) no consultation with classroom measurement and evaluation data; and (c) no consultation and no classroom measurement and evaluation data. The significance of this research lies in the fact that resources are brought into the classroom at the point of referral for special education. This research will implement consultation/interventions in the regular classroom during this time, providing two major benefits. First, successful programs may occur and, thereby, preclude placement in special education. Second, for ineffective programs, a systematic data base will be established for planning and evaluating the service to be provided in special education.

## Summary

SEAs and LEAs have initiated a variety of strategies and programs which focus on prevention. These initial efforts are taking either the form of regional or Statewide tracking systems which are generally implemented at the State level, or consist of locally designed inschool procedures to increase the capacity of general educational programs to serve children with educational problems. Both of these efforts appear to hold substantial promise for maximizing the effectiveness of both general and special education programs for children experiencing educational difficulties.

## Least Restrictive Environment

Section 612(5)(B) of the Act requires States to establish procedures which ensure that:

> ... to the maximum extent appropriate, handicapped children including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily ... (20 U.S.C. 1412(5)(B)).

This section of the report describes the progress attained by the States in educating handicapped children in more integrated settings through an examination of the setting data reported by the States in 1983-84. In addition, the section presents a summary of the continuing efforts by OSERS to expand the opportunities available for more integrated educational services and to enhance the quality of these services for all handicapped children.

Setting Data

One important way of determining the extent to which this cornerstone of the Act is being implemented is to examine the data reported annually by States on the settings in which handicapped children are served. In 1983-84, as in previous years, States counted and reported the number of children receiving EHA-B and ECIA (SOP) services in one of four educational placements. The number of handicapped children were reported according to the placement in which they spent most of their school day:

- regular class (which may be supplemented by services received outside the regular class, including a resource room);
- separate class (self-contained but on a regular school campus);
- separate school (such as a day or residential school facility); and
- other educational environments (such as hospital or homebound programs).

The following section presents the State-reported data regarding the educational settings in which handicapped children are being educated.

The vast majority of handicapped children receive special education and related services in settings that include children who are not handicapped. In 1983-84, 69 percent of all handicapped children reported by States received most of their educational program in regular classes.

Another 25 percent were educated predominantly in separate classes within regular schools. Taken together, students educated in these two types of settings with their nonhandicapped peers accounted for 93 percent of all handicapped children. The remaining 7 percent of handicapped children were educated in separate schools (6 percent) and other educational environments such as hospitals or homes (1 percent).

While the data show that the regular classroom is the primary educational setting for handicapped children as a whole, the extent to which this environment predominates varies by age group and handicapping condition. As shown in Figure 7, 70 percent of school-aged handicapped children (aged six through 17) received most of their education in regular classes during 1983-84, whereas only 57 percent of preschoolers (aged three through five) and 41 percent of postsecondary youth (aged 18 through 21) did. With respect to handicapping conditions, Figure 8 shows that for the two largest groups of children--those who are speech or language impaired and learning disabled--the regular classroom was overwhelmingly deemed the most appropriate educational placement. Specifically, 93 percent of all speech or language impaired and 77 percent of all learning disabled children were educated in regular classes in 1983-84. By contrast, the figures for deaf-blind and multihandicapped children were 13 and 14 percent respectively.

The overall proportion of all handicapped children receiving EHA-B and ECIA (SOP) services within the four educational settings has remained relatively stable since 1976-77 when this information was first reported. However, changes toward providing education in more integrated settings are evident in particular for the 6 through 17 year-old age group and for those handicapping conditions that have traditionally had the fewest children placed in regular classes.

Proportionally more handicapped children aged 6 through 17 were served in both regular and separate classes combined within regular schools in 1983-84 than were served in 1976-77. The proportion of school-aged children receiving services in regular classes rose again between 1982-83 and 1983-84. The proportions of preschool and postsecondary aged students in regular classes also increased between 1982-83 and 1983-84, indicating a more recent trend toward greater integration of these groups as well. Unlike the school-age population, however, proportionately fewer preschool and postsecondary students were served in regular school settings in 1983-84 than in 1976-77.

Figure 7. Percent of All Handicapped Children Served by Age Range in Four Educational Environments, School Year 1983-84

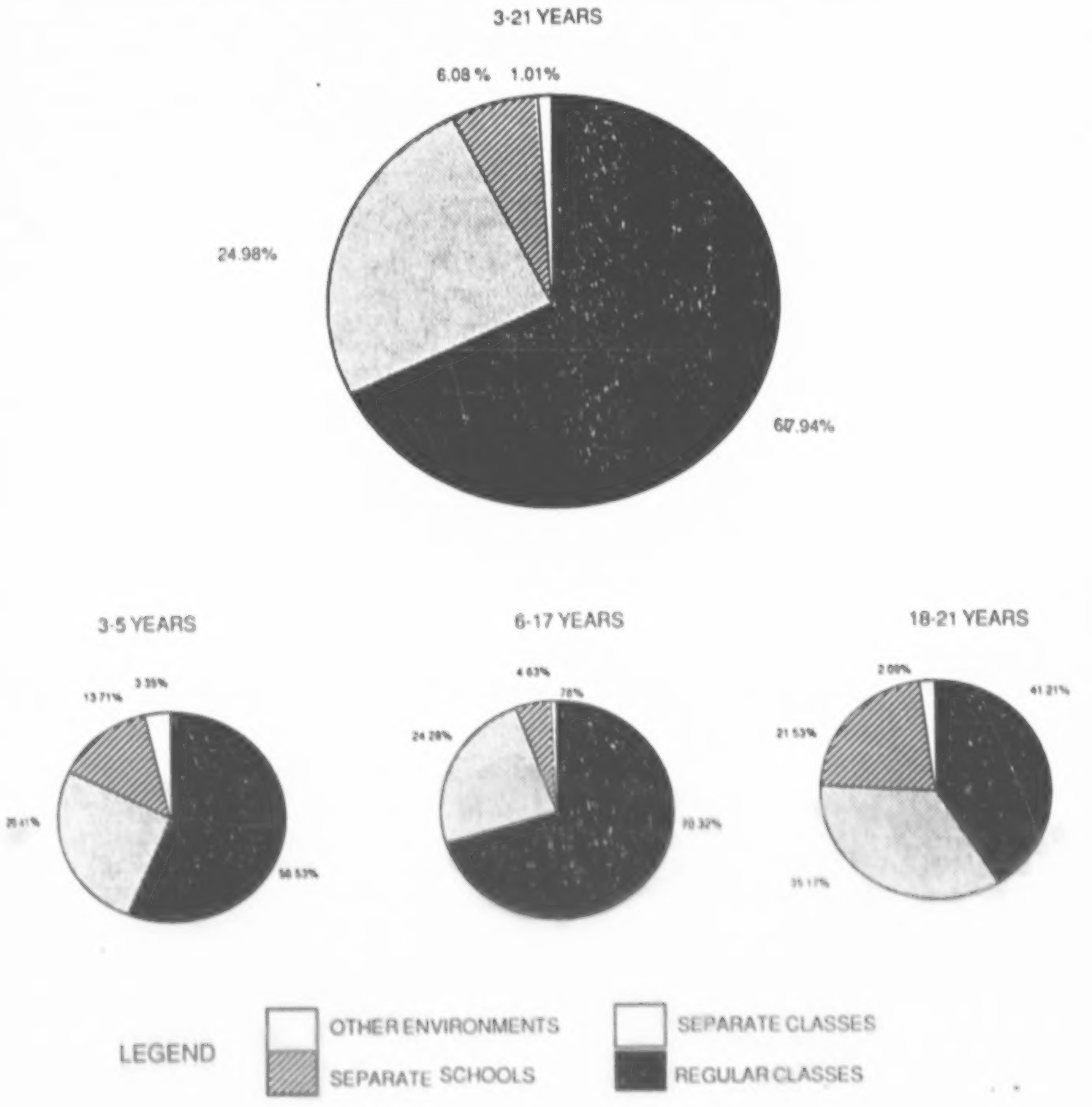
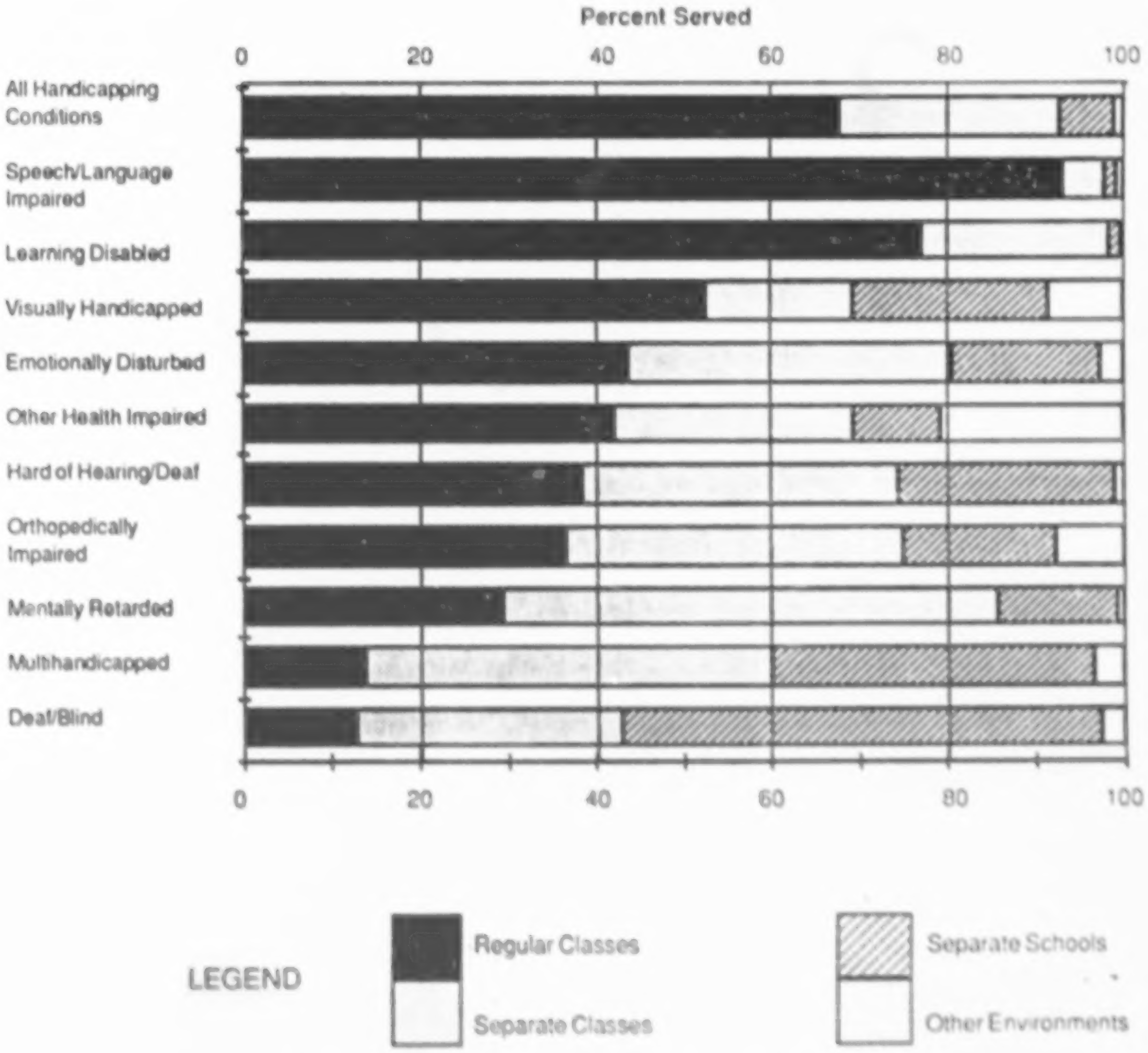


**Figure 8. Percent of Handicapped Children (Ages 3-21) Served in Four Educational Environments By Handicapping Condition, School Year 1983-84***



*NOTE: Table does not include 15,349 children reported noncategorically.

Progress in implementing the LRE provisions is also indicated in the data for specific handicap categories of children, aged 3 through 21, who have traditionally been placed in more restrictive settings, such as the more severely handicapped. Of the five handicap categories representing the lowest proportion of students served in regular classes during 1983-84--hard of hearing and deaf, orthopedically impaired, mentally retarded, multihandicapped, and deaf-blind--all but the multihandicapped group showed an increase in the proportion of students served in regular classes.

The data also show that while these five categories of handicapping conditions represent the lowest proportion of students served in regular classes, the majority of even these students are served within regular school settings, (although predominantly within separate classes). For example, 60 percent of multihandicapped children received educational services within a regular school setting during 1983-84. The only handicapping condition for which more students were placed in separate schools or other educational environments rather than in regular schools is the deaf-blind category. Forty-three percent of deaf-blind children were served in regular classes and separate classes within regular schools versus 57 percent who were educated in separate schools and other environments. However, the proportion of this category of children served in regular classes increased 4 percent between 1982-83 and 1983-84, the largest increase of any handicap category.

Hence, while the overall proportions of handicapped children receiving EHA-B and ECIA (SOP) services within the four educational placements appear relatively stable, changes continued to occur for specific age groups and handicapping conditions during the 1983-84 school year.

## OSERS Initiatives in Support of LRE

This section describes the activities undertaken by OSERS to ensure that handicapped children are educated in the least restrictive environment. The program initiatives developed by OSERS are in response to complex and persistent problems in providing an appropriate educational program within the LRE for all handicapped children. The problems associated with LRE result from the compound difficulties of effectively providing the most appropriate and effective programs, especially to severely handicapped students, while simultaneously operationalizing a complex series of procedural requirements associated with education in the LRE.

The concept of least restrictive environment is formulated both in statutory principles and in the regulations implementing EHA-B. Public Law 94-142, as amended, established two basic principles concerning the educational placement of handicapped students. First, a presumption is established in favor of placement in the regular educational environment, the regular classroom or school setting. "Removal of handicapped children from the regular educational environment" must only occur if and when "the nature and severity of the handicap is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily." (20 U.S.C. 1412(5)(B)). As a result, this principle requires, that for any proposed "separate schooling" of handicapped students, there must be an educationally compelling justification.

The second basic principle addresses the feature of integration, apart from placement or classroom setting. The language of the statute establishes the following condition: "To the maximum extent appropriate, handicapped children including children in public or private institutions or other care facilities," must be "educated with children who are not handicapped." (20 U.S.C. 1412(5)(B)). To these two statutory provisions, the implementing regulations add a third: that education must be provided as close as possible to a child's home and, unless educationally compelling reasons argue otherwise, in the school that the child would attend if not handicapped (20 U.S.C. (34 C.F.R. 300.552(a)(3)(c)).

The OSERS has undertaken a major effort to assist SEAs directly, and LEAs indirectly, to design the necessary administrative changes required to fully implement LRE. The OSERS strategy has been based on two fundamental approaches: research and development through the discretionary programs, which is described below, and technical assistance under the Regional Resource Centers, which is described elsewhere in this report.

Special Education Programs (SEP) has organized a number of its discretionary programs into a concerted effort to develop innovative strategies in support of LRE activities. Various discretionary programs emphasize LRE activities in the area of their authority. For example, the Early Childhood Program supports a number of projects that are based on service delivery in an integrated environment such as:

- Project Kid Link - Topeka, Kansas. The project serves 18 to 20 children aged 2 years 9 months to school age who are primarily physically handicapped and have secondary handicaps in fine- and gross-motor skills, speech, language, cognitive functioning, or social skills. By offering full-time day care, the project attracts parents who enroll their nonhandicapped children in the existing program for developmentally delayed children. Staff members identify strategies and methods to facilitate interaction between handicapped and nonhandicapped children and the participation of nonhandicapped children as models in treatment.

- Planning School Transitions: Family and Professional Collaboration - Lawrence, Kansas. The project serves 25 to 30 mildly to moderately handicapped children aged 3 to 5 who can potentially benefit from placement in preschools or kindergartens with nonhandicapped children. The project's services include a transition training model to prepare children in their current, specialized classroom placements for transition into more integrated placements. A three-part curriculum consists of (1) a sequenced, individually-paced preacademic curriculum; (2) a behavioral skill curriculum to teach appropriate attentional, social, and mastery skills; and (3) a curriculum of transition skills to facilitate generalization of learned skills to new placements.

- Mainstreaming Multihandicapped Preschool Children Using Trained Volunteers - Kansas City, Missouri. The project serves approximately 30 children, aged 6 months to 5 years, with the following handicapping conditions: cerebral palsy, mental retardation, autism, hydrocephaly, microcephaly, hearing and visual impairments, and language delay. The goal of the project is to develop an integration model that uses trained volunteers to implement individual education plans in language development, socialization, and social integration with handicapped children in integrated settings. Children from a preschool for handicapped children are integrated on a part-time basis with children from an existing day care center currently serving only nonhandicapped children. Trained volunteers help children in the transition process by providing instruction and guidance in identified goals and objectives.

- Preparation for Regular Education Placement (PREP) - Pittsburgh, Pennsylvania. This project provides services to 10 children aged 3 to 5 years who demonstrate significant deviant and maladaptive behavior patterns in a wide variety of settings and, as a result, are not expected to benefit from regular kindergarten without preliminary treatment. The project offers a comprehensive preschool model, integrating behavior disordered and nonhandicapped children. The curriculum has three interrelated aspects: (1) systematic programming for the reduction of maladaptive behavior patterns; (2) generic and individualized social and academic survival skills training; and (3) instruction in preacademic and academic survival skills. Handicapped children learn social and survival skills related to successful placement in regular education settings.

- Preschool Training Project (PTP) - Logan, Utah. This project serves 25 handicapped children aged 4 to 5 years who are eligible for school placement the following school year and who demonstrate a delay of a year or more in mental age and at least one skill area. The purpose of the project is to prepare handicapped children for successful integration into kindergarten and elementary schools, using a model with four components: (1) child preparation, which occurs in an integrated preschool and develops learning strategies, social skills, and academic skills in formats that approximate kindergarten and elementary school settings; (2) information transfer, which facilitates the administrative transfer of records; (3) placement, which teaches parents to act as advocates to secure more integrated placements; and (4) follow-up, which ensures that the mainstream teachers receive support, training, and information about the child.

The Special Needs Section, which administers programs for severely handicapped and deaf-blind children, initiated a major effort in 1983 to develop instructional and service delivery strategies that would be particularly effective in furthering the integration of the severely handicapped in educational, community, and employment settings. This effort consisted of the support of four Severely Handicapped Institutes which are designed to conduct extensive research over a five year period in topics relevant to the integration of severely handicapped students. These multidisciplinary, collaborative projects are concentrating their research on either transition into less restrictive settings or on the generalization of skills from the environment in which the skill was learned to other environments.

- The California Research Institute on the Integration of Students with Severe Disabilities - San Francisco State University is conducting longitudinal research of variables influencing the process of transition from separate schools or hospitals to regular public schools. A consortium of 3 universities, 12 metropolitan school districts, and the California SEA has been formed to (a) facilitate the transition of up to 750 severely handicapped students into regular public schools; (b) conduct short-term, formative research on variables that could affect the educational outcome of these students; (c) conduct summative, large sample, longitudinal studies on all identified issues and problems of outcome; (d) validate three new pragmatic variables affecting the efficiency of the educational effort; (e) translate research outcomes into applications; and (f) provide a comprehensive evaluation of project activities.

- The University of Minnesota Consortium Institute for the Education of Severely Handicapped Children is investigating effective strategies to facilitate the transition of severely handicapped children from restrictive to less restrictive environments. The contributions of administrative system structures, parent/advocacy networks, community services, social climate, and the child's behavior and skill repertoire to placement decisions will be systematically investigated in order to determine where impact is needed, if children are to participate in integrated, community environments. The support needs of parents whose children are at home and attending public school will also be described and disseminated to policy makers who might provide such support and, thereby, prevent movement to more restrictive living and educational environments.

- The Extending Competent Performance Research Institute-University of Oregon was established to develop, evaluate, and disseminate knowledge and materials to improve the efforts of severely handicapped students, schools, and researchers in achieving and maintaining skill performance across environments. The conceptual premise for the Institute is found in the phrase "Extending Competent Performance." The issue will be whether it is possible to develop and disseminate cost-effective analysis and training procedures that will allow the extension of competent behavior beyond traditional training settings. The Institute will address this issue by combining research methodology and field test procedures within a conceptual and organizational framework that ensures a consistent, yet flexible, approach to the problems of generalization.

- The Washington Research Organization Institute for Education of Severely Handicapped Children - University of Washington is focusing on the investigation of factors that influence generalization of learned skills to various environments. The Organization intends to develop and validate effective, replicable educational interventions that facilitate the generalization of a wide variety of functional skills that lead to increased independence and an enhanced capacity to function in more integrated environments. The research and intervention activities are composed of the following phases: (1) retrospective, descriptive evaluation of existing environments; (2) controlled experimental research; (3) supported application studies; (4) prompted, closely monitored application research; and (5) general adoption studies.

In addition to the Severely Handicapped Institutes, the Special Needs Section also supports a variety of other LRE initiatives including:

- Community-Based Instructional Program - San Francisco, California. The primary objective of this San Francisco State University project is to extend the best educational practices of community intensive instruction to students with severe disabilities, including the deaf-blind. Deaf-blind students participate in an instructional model that teaches functional life skills across a variety of non-classroom and community environments. The program includes parent/family involvement in determining curricular content. The project's impact will be to demonstrate the educational validity of a community-based instructional delivery system for severely handicapped children.

- Transition Project - College Park, Maryland. This project, a collaborative effort between the Montgomery County Public Schools and the University of Maryland, has designed a service delivery system for severely handicapped students that includes (1) integrated classes of severely handicapped students located in regular elementary, junior high, and senior high schools; (2) community-based instruction for severely handicapped students in community settings in order to insure that students are able to use public transportation, stores, restaurants, leisure facilities, and assist with chores at home; (3) parent input in planning for the long-term social, vocational, and community needs of their severely handicapped child; and (4) transition to work and group homes where students are taught job skills at competitive job training sites in the community.

- Vanderbilt University - Nashville, Tennessee. The major purpose of this project is to develop and evaluate procedures that incorporate research on social interaction into an ongoing program for autistic children that will enhance the probability of the successful integration of autistic children into less restrictive environments. The project has the following objectives: (1) to develop and refine systematic procedures designed to increase the social skills of autistic children; (2) to design procedures for training less handicapped and normal peers to act as major change agents in the social behavior of autistic children; and (3) to develop training materials that will prepare teachers of autistic children.

- University of Wisconsin - Madison, Wisconsin. This joint venture between the University of Wisconsin-Madison (UM) and the Madison Metropolitan School District (MMSD) will demonstrate that a wide range of severely handicapped students can be prepared to transit efficiently at age 21 from chronologically age appropriate regular schools to nonsheltered vocational environments in which they will perform meaningful work. The project staff and their associates function primarily in three task forces: the Vocational Task Force which is primarily concerned with generating, implementing, and evaluating curricular information used to provide vocational and related services to severely handicapped students maximizing the probability of the performance of meaningful work in nonsheltered vocational environments; the Domestic Living Task Force which is generating curricular information on domestic living instruction that increases the likelihood that severely handicapped persons at age 21 are prepared to perform or participate in the many domestic living skills associated with nonsheltered vocational functioning; and the Recreation/Leisure-Community Functioning Task Force which is generating curricular information needed to prepare severely handicapped students to function in many community environments and to choose and engage in recreation activities.

### Summary

OSERS continues to support the expansion of program options in integrated settings for all handicapped children through the development of improved instructional and service delivery strategies, and the provision of technical assistance to assure full implementation of the procedural requirements of LRE. OSERS believes that this combined approach of developing, demonstrating, and disseminating quality strategies and the provision of technical assistance to SEAs through the Regional Resource Centers will produce the knowledge and circumstances required to influence and stimulate improved LRE implementation at the local level.

## Special Education Personnel Employed and Needed

An essential component of providing a free appropriate public education to all handicapped children is the availability of trained personnel to serve them. This section of the report provides information on the numbers of personnel employed and needed to meet the goal of providing full educational opportunity to all handicapped children as required by 20 U.S.C. 1412(2)(A).

NIRSH

The Sun - June 4, 86

# SK to shut special ed school

By Ron Judd
Sun Staff Writer

South Kitsap special education students will leave Madrona Heights School this fall to join their peers at other SK schools.

About 50 students enrolled in special programs at the school will be transferred to classrooms at Marcus Whitman Junior High, South Kitsap High School or to next-door Orchard Heights Elementary, school board members have decided.

About 115 pre-school through high-school aged students had attended Madrona Heights, which opened its doors in 1973. The school's closure as an exclusively special education facility marks the beginning of a district move to "mainstream" the special ed students, as most other districts have done.

About 65 pre-school special education students will remain at Madrona Heights, as will some vocational classes and other programs requiring special equipment, said Allen Hughes, SK special education director.

That means many students, particularly high-school students, will attend a half-day at standard district schools, then travel for special classes to Madrona Heights, located at Madrona Drive and Fircrest Drive just off Highway 160.

The goal, eventually, is to completely integrate the special ed students, Hughes said.

The district's move comes after some SK parents challenged the legality of placing all special education students in one facility. State and federal law indicates those students should be educated within the mainstream district learning environment.

"The law is a really interpretive thing," Hughes said. "It says the students must be educated with the non-handicapped to the greatest extent possible. That means someone has to define what the 'maximum extent' is."

But Superintendent Dewayne Gower adds that "No place in the regulations really provides for, or sanctions, a (exclusively special education) school like Madrona Heights."

A committee was formed in September to study the issue after initial parent objections. Parents of special education students at first were split over the decision to close the facility, Hughes said, noting that some like the protective environment the school offered for their children.

"The committee decided not to look at it as a legal issue — whether someone was threatening us with a lawsuit," he said. "We decided to consider what is best for the children."

In the end, most parents have joined the school board in accepting the committee's recommendation to close the school, said Gower, noting that the issue "could have been volatile."

The committee will continue to oversee the changes, which will be made gradually so students will not receive a jolt, Gower said.

"Overall, I think the change is a progressive one, and it's a good change for the kids," Hughes said. Madrona Heights was the last exclusively special education facility in the Kitsap County, he said.

"Research will show its most appropriate for handicapped kids to be educated around non-handicapped kids," he added. "Administratively, it's easier to have them in one place, but that's unfair to the kids."

II

SPI
DR. FRANK B. BROUILLET
Superintendent of Public Instruction

August 1, 1986

Dr. Kent Matheson
Superintendent
Highline Public Schools
15675 Ambaum Blvd. S.W.
Seattle, WA 98166

Dear Dr. Matheson:

In response to a request from the Highline Board of Education, legislative representatives from Districts 11, 33, 34, 37 and Highline administrative staff responsible for district Special Education Programs, the following is intended to clarify and provide additional information regarding the development and content of an LRE transition plan relating to handicapped students placed at the Woodside School.

In our meeting on July 16, 1986, we discussed the parameters which must be used by the multidisciplinary assessment team as well as the individualized education program committee in making special education placement decisions for handicapped students in the least restrictive environment (LRE). The LRE provision is consistent with the procedural safeguards required in federal law as well as federal and state policy. Federal and state law establish that the regular classroom in the school a student would attend if not handicapped is the general rule, and that exceptions thereto must be justified and documented essentially on educational grounds on a student-by-student basis (See WAC 392-171-417). The following considerations have a direct bearing on local professional judgments respecting what constitutes an appropriate program for individual handicapped students:

- Placements must be made on the basis of the educational needs of each individual student.
- Placements may not be governed solely or principally by the availability of services, cost, configuration of service delivery systems, the category of handicapping condition, or what is deemed most convenient by district personnel and/or parents.
- Placement decisions must be made by a group of persons (MDT, IEP Teams) knowledgeable about the child, the meaning of the evaluation data, and the placement options.
- This special education placement team must have access to a full continuum of service options to make placement decisions.
- There must be opportunities for participation with peers who are not handicapped to the extent appropriate.

The foundation of your LRE transition plan should at a minimum focus on objectives and activities around these five goals.

Specific objectives which should be addressed in the transition plan should include but are not limited to the following:

- Develop a process and procedures which will be utilized by the special education placement team when determining the LRE for each student currently being served at Woodside.
- Provide a description of additional educational options at the secondary level which are currently unavailable to be added to a continuum of services offered by the district for the 1986-87 school year.
- Describe operationally parent involvement in the planning and implementation of additional LRE placement options for Woodside students.
- Conduct a review of all Woodside student IEPs relating to the consideration of other program options and placements as appropriate.
- Document on a student-by-student basis through the IEP process the appropriateness of each student's educatonal placement.
- Consider integration strategies already operationalized by the Highline School District serving other handicapped students, as well as by other school districts within the state or outside of the state. Visitations to other special education programs which have successfully integrated handicapped and nonhandicapped students may be helpful.
- Describe the organization and implementation of staff development and inservice training activities to address LRE decision making responsibilities with specific emphasis on the placement process for Woodside students.
- Assure that current levels of educational services for Woodside students will not be arbitrarily reduced as a result of transition to another educational setting within the district.
- Assure that student placements at Woodside will be based on individual needs rather than availability of services, cost, configuration of service delivery systems, or category of handicapping condition.

The LRE transition plan should describe goals, objectives, and activities which the district proposes to initiate in order to address the LRE issue at the Woodside School. ESD 121 and OSPI special education staff will be available to provide technical assistance regarding the LRE issue upon request. Limited federal discretionary funds are also available to assist you in the development and implementation of your LRE transition plan.

The goals of the district, as the Woodside student placements are reviewed, should be to develop a continuum of alternative placement options to meet individual student needs, to place handicapped students in the regular education environment with nonhandicapped students to the maximum extent appropriate and to place students in schools where they would normally attend if not handicapped, unless the IEP requires some other arrangement.

If further clarification or technical assistance is needed, please contact Dr. Greg Kirsch, Director of Special Education, Dr. Robert LaGarde, Coordinator of Monitoring, or myself.

Sincerely,

DIVISION OF SPECIAL SERVICES
AND PROFESSIONAL PROGRAMS

Judy A. Schrag

Judy A. Schrag
Assistant Superintendent

S133L1.01

cc: Dr. William McCleary
Dr. John Jewell
Dr. Dina Benedetti
Senator Eleanor Lee
Senator Phil Talmadge
Representative Dick Barnes
Representative Lorraine Hine
Representative Georgette Valle

III

# FALL 1986, ADMINISTRATORS' WORKSHOP

AIRPORT HILTON
17620 Pacific Highway South
Seattle, WA 98188

October 2-3, 1986

## AGENDA

DAY 1: NEW ADMINISTRATORS TECHNICAL ASSISTANCE

| TOPIC AREA | | RESPONSIBLE PERSON(S) |
|---|---|---|
| 8:30 - 9:00 | Registration | SPI Secretary |
| 9:00 - 9:45 | Introduction<br>Welcome<br>Introductions<br>Overview of Workshop<br>Philisophical Statements<br>Review of Agenda | Judy Schrag/Greg Kirsch |
| 9:45 - 10:45 | Overview of PL 94-142, WAC 392-171, OCR, Applicable RCWs.<br>Intent<br>Letter<br>Relationships<br>History<br>Authority<br>Implementation | John Brattain/Ralph Julnes/ Skip Patterson |
| 10:45 - 11:00 | Break | |
| 11:00 - 12:00 | Special Education<br>Funding<br>State Monitoring Functions | Wayne Johnson<br>Jean Antonio<br>Bob LaGarde |
| 12:00 - 1:00 | Lunch (Catered)<br>Luncheon Speaker<br>Topic: | <br>(Ken Crawford)<br>To be determined |
| 1:00 - 2:30 | Rules and Regulations<br>Low Incidence/Behavioral Disabilities<br>Transition/Secondary Programs | John Brattain<br>Lois Hart<br>Carla Jackson/ Al Lynch |
| 2:30 - 2:45 | Break | |

| | | |
|---|---|---|
| 2:45 - 4:00 | Enhancing Service Delivery Options for Mildly Handicapped | David Peterson |
| | Data Collection/Evaluation | Jane Daily |
| | Preschool Programs/ Interagency | Joan Gaetz/Soosi Baxter |
| 4:00 - 5:00 | State Special Education Structure/Organizational Considerations<br>SPI<br>ESD<br>LEA<br>SEAC<br>Advocacy(parent/legal) | Greg Kirsch |
| 6:00 - 7:00 | No Host Social | |

## DAY 2: SPECIAL EDUCATION ADMINISTRATORS WORKSHOP

| | | |
|---|---|---|
| 8:30 - 9:00 | Registration | SPI secretary |
| 9:00 - 10:30 | Introductions | Judy Schrag/ |
| | Welcome | Greg Kirsch |
| | Overview of Workshop | |
| | Keynote Presentation | Marty Kaufman |
| | Topic: To be determined (SEP) ? | |
| 10:30 - 10:45 | Break | |
| 10:45 - 11:45 | Concurrent Topical Sessions | |
| | Session 1: Professional Judgement/LD | Jane Daily/Bob LaGarde |
| | Session 2: Behavioral Disabilities | Lois Hart/Greg Kirsch |
| | Session 3: Secondary Programming | Carla Jackson/ Al Lynch |
| 12:00 - 1:00 | Lunch (Catered) | |
| | Luncheon Presentation: Futures In Special Education | Gene Edgar |

| | | |
|---|---|---|
| 1:00 - 2:00 | Concurrent Topical Sessions(cont) | |
| | Session 4: Least Restrictive Environment | Bob LaGarde |
| | Session 5: Enhancing Service Delivery to Mildly Handicapped Students | David Peterson |
| | Session 6: Multicultural Special Education | Greg Kirsch/John Brattain |
| 2:00 - 3:00 | Concurrent Topical Sessions(cont) | |
| | Session 7: Interagency Collaboration | Soosi Baxter/Lois Hart |
| | Session 8: Legislative/SPI | Judy Schrag/Greg Kirsch |
| | Session 9: Parental Involvement | Renee Nowak/Barbara Lehning-Pattison |
| | Session 10: Preschool Programs | Joan Gaetz/Soosi Baxter |
| 3:00 - 3:15 | Break | |
| 3:15 - 4:00 | Closure | Judy Schrag/Greg Kirsch |
| | Closing remarks | Greg Kirsch |
| | Summarization of Workshop<br>Continuation of Administrators Workshops<br>Evaluation of Workshop | |
| 4:00 | Adjournment | |

8. **Issue:** Procedures of the SEA to insure LEA applications contain the information required in 34 CFR 76.656.

**Requested Response:** LEA application procedures which insure compliance to 34 CFR 76.656. This would include instructions to the applicants, instruments for reviewing the information, and criteria for accepting information.

**Response:** WAC 392-171-491 through 501 are the state policy regarding the requirements/criteria for the approval of nonpublic school agencies for the provision of services to handicapped students. The attached Nonpublic School/Agency Procedures manual contains the approval procedures used by school districts and SPI. This approval process is inclusive of monitoring of the school or agency for compliance with the provisions of P.L. 94-142 and is parallel to the monitoring procedures/criteria used in the statewide monitoring procedures used with all school districts. The information requested in 34 CFR 76.656 is collected via the nonpublic school/agency completion and submission to SPI of the Nonpublic School/Agency Application (Form SPI 593-A, Rev 6/80) at the time the school district wishes to contract with a Nonpublic Agency/School. In addition to those items listed above, OSPI proposes to include the requirements of 34 CDFR 76.656 (b-g) in the LEA Title VI-B application for the ensuing school year (1987-88). Attached please find proposed revisions to the VI-B LEA application materials addressing private school participation in the distribution of VI-B funds and/or special education services.

***Assurance:** For the State of Washington, 34 CFR 76.656(a-g) requirements will be included in the EHA, Title VI-B LEA application for Federal flow through funds, related to the participation of private schools in the LEA Part B project for the ensuing school year, 1987-88. The current application will be modified to specifically include the information requested by OSEP.

STATE OF WASHINGTON
Superintendent of Public Instruction

# LEA APPLICATION FOR HANDICAPPED FUNDS FOR P.L. 94--142

This form is the local education agency application for P.L. 94-142, Title VI Part B flow-through funds for educating handicapped students. Please sign the assurances and complete data tables and budget forms.

Three copies of the completed application should be submitted to your EDUCATIONAL SERVICE DISTRICT SPECIAL EDUCATION DIRECTOR by June 20, 1986.

APPLICANT AGENCY ______________________________

ADDRESS ______________________________

CONTACT PERSON ____________________ TELEPHONE __________

DATE SUBMITTED ______________________________

---

ESD REVIEW COMPLETED ____________________ __________
Director Date

SPI USE ONLY

FISCAL YEAR 19____

☐ Approved

☐ Approved with Modifications

☐ Disapproved

____________________ __________
Program Supervisor Date

FORM SPI E-795 (Revised 5/8)

## SECTION I. STATEMENT OF ASSURANCES AND CERTIFICATION

Please read carefully the requirements for policies, procedures and assurances and sign the certification statements. Policies, procedures, assurances and certification are necessary for receipt of Title VI-B, P.L. 94-142 funds.

Those districts submitting a collaborative application should complete the statement at the bottom of the Certification. (Signatures of representatives of any participating Headstart agencies must also be included.)

### ASSURANCES

The Applicant hereby assures the Superintendent of Public Instruction that district policies and procedures have been developed and implemented which meet the criteria stated in 34CFR300.220-300.240; 76-301.

1. Full Educational Opportunity Goal (34CFR300.222)
   The district has established a goal of providing full educational opportunity to handicapped students within its jurisdiction. (WAC 392-171-701-721).

2. Public Control (EDGAR; 34CFR76.301(c)(1)(2)(3)
   The control of funds provided under Part B and title to equipment acquired with those funds shall be with the school district in accordance with the provisions of P.L. 94-142. The representations made in this application properly reflect the project students, personnel and expenditures to be incurred in the operation of the district's special education program for handicapped students; expenditures for services and goods will be made exclusively for the benefit of students who meet the definitions and eligibility published in the Rules and Regulations for the Washington State Special Education Program for Children with Handicapping Conditions, as adopted July 27, 1973, and amended August 19, 1980. Expenditures will not be reimbursed from any other sources and personnel assignments and other documentation of expenses will be accounted for separately and readily for audit.

3. Excess Cost and Nonsupplanting (34CFR300.229 and 230)*
   Funds received under Part B of the Act will be used solely for excess costs in providing special education and related services to unserved handicapped students and/or to provide full educational opportunities for all handicapped students. Funds received will be used to supplement and in no case supplant state and local funds. To meet this requirement:

   a. The total amount or average per capital amount of state and local school funds budgeted by the local educational agency for expenditures in the current fiscal year for the education of handicapped children must be at least equal to the total amount or average per capita amount of state and local funds actually expended for the education of handicapped children in the most recent preceding fiscal year for which the information is available. Allowance may be made for:

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*Wording regarding supplant conditions is taken directly out of Federal rules and regulations for special education, P.L. 94-142.

   i. Decreases in enrollment of handicapped children; and

   ii. Unusually large amounts of funds expended for such long term purposes as the acquisition of equipment and the construction of school facilities; and

b. The local educational agency must not use Part B funds to displace state or local funds with Part B funds on either an aggregate basis or for a given expenditure.

4. Comparable Services (34CFR300.231)
All special education classrooms, materials and programs are of comparable quality with other programs in the district, and the district maintains records that document compliance with this requirement.

5. Information - Reports (EDGAR; 34CFR76.301(c)(4)(i))
Documentation in support of all parts of this Plan - administrative, programmatic, and fiscal - shall be kept on file in one central location. The district shall provide such documentation to all authorized Federal and state personnel on request.

6. Records (34CFR300a.233) (EDGAR; 34CFR76.301(c)(4)(ii))
Records related to the location, assessment and placement of handicapped students and the development and implementation of individualized education programs are maintained. Programmatic and fiscal information records are available to authorized SPI officials or to their designees for the purpose of compliance monitoring under WAC 392-171-731.

7. Public Participation (EDGAR; 34CFR76.301(c)(5)(6))
This application and all related documents shall be made available to parents and to the general public (excluding personally identifiable student information) for comment and inspection prior to and subsequent to its adoption. All evaluations and reports required by state and Federal regulations are public information.

8. Procedural Safeguards (34CFR300.237)
Procedural safeguards for parents and students are implemented related to informed consent, evaluation (protection in evaluation procedures), confidentiality, opportunity to examine records, prior notice, independent educational evaluation, impartial due process hearing, surrogate parents, and least restrictive environment, as required by 34CFR300.500 - 300.514, 300.550-554 and WAC 392-171.

9. [redacted] (EDGAR; 34CFR76.655 and 34CFR76.656)
The district shall spend the same average amount of program funds on a student enrolled in a public school who receives benefits; provided

SPI
STATE OF WASHINGTON
Superintendent of Public Instruction

# NONPUBLIC SCHOOL PARTICIPATION

## 1. NONPUBLIC SCHOOL PLANNING PARTICIPATION STATUS

Condition 1: ______ No approved or provisionally approved nonpublic schools are located within the school district (if this condition is true, then skip to Item #3).

Condition 2: ______ Approved or provisionally approved nonpublic schools are located within the school district which wish to participate in this project. (If this condition is true - (1) attach copies of letters which invite such participation and copies of acceptance letters, (2) complete Item #2, and (3) complete Item #4 for each nonpublic school listed under Item #2.)

Condition 3: ______ Approved or provisionally approved nonpublic schools are located within the school district which have declined the invitation to participate. (If this condition is true - (1) attach copies of letters which decline the invitation to participate in the planning of this proposal and (2) complete Item #3.)

## 2. NONPUBLIC SCHOOLS WHICH HAVE PARTICIPATED IN PLANNING OF THIS PROPOSAL

| SCHOOL | CONTACT PERSON |
|---|---|
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## 3. NONPUBLIC SCHOOLS WHICH HAVE DECLINED TO PARTICIPATE IN THE PLANNING OF THIS PROPOSAL

| SCHOOL | CONTACT PERSON |
|---|---|
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| | |

## 4. SIGNATURE OF SUPERINTENDENT

______________________

DATE

______________________

FORM SPI F-124A (Rev 5/86)

PROPOSED PARTICIPATION PLAN FOR (NONPUBLIC SCHOOL)

(34CFR 76.656-(a))
(WAC 392-171-651;656)

that the district shall spend a different average amount on program benefits for students enrolled in private schools if the average cost of meeting the needs of those students is different from the cost of benefits the district provides for public school students.

The district will forward to the Office of Superintendent of Public Instruction the following information in the VI-B application to ensure compliance with 34CFR76.656.

(a) A description of how the district will meet the Federal Requirements for participation of students enrolled in private schools, as well as the requirements of WAC 392-171-651 and WAC 392-171-656 regarding the participation of private school students.

(b) The number of students enrolled in private schools who have been identified as eligible to benefit under the program.

(c) The number of students enrolled in private schools who will receive benefits under the program.

(d) The basis the applicant used to select the students.

(e) The manner and extent to which the applicant complied with 76.652 (consultation).

**76.652 Consultation with representatives of private school students.**

(a) An applicant for a subgrant shall consult with appropriate representatives of students enrolled in private schools during all phases of the developmebnt and design of the project covered by the application, including consideration of -
(1) Which children will receive benefits under the project;
(2) How the children's needs will be identified;
(3) What benefits will be provided;
(4) How the benefits will be provided; and
(5) How the project will be evaluated.

(b) A subgrantee shall consult with appropriate representatives of students enrolled in private schools before the subgrantee makes any decision that affects the opportunities of those students to participate in the project.

(c) The applicant or subgrantee shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this section.

(f) The places and times that the students will receive benefits under the program.

(g) The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.

Draft #1

## PRIVATE SCHOOL PARTICIPATION
## DATA SHEET

Please complete and return this data sheet to the Office of Superintendent of Public Instruction with the application for private schools participating in the LEA Title VI-B flow through project per 34 CFR 76.656(b-g).

__________ (b) Number of students enrolled in private schools within the LEA service area who have been identified as eligible to benefit from special education services.

__________ (c) Number of students enrolled in private schools who will receive benefits from LEA special education services.

(d) Basis (criteria) the LEA used to select the students for special education services:

a.______________________________
b.______________________________
c.______________________________
d.______________________________
e.______________________________

________________________________

(e) Manner and extent to which the LEA complied with 34 CFR 76.652 (consultation) a-1 through 4, b, and c.

76.652
(a)1. Which students will receive benefits from the LEA special education program?
Please list by name.

________________________________

________________________________

________________________________

2. How will the student's needs be identified?

a.______________________________
b.______________________________
c.______________________________
d.
e.______________________________

3. What benefits will be provided by the LEA?

a.
b.____________________________________________
c.____________________________________________
d.____________________________________________
e.____________________________________________

4. How will the LEA services to private school students be evaluated?

a.____________________________________________
b.____________________________________________
c.____________________________________________
d.____________________________________________
e.____________________________________________

b. List representatives of the private schools with whom the LEA consulted prior to initiating special education for private school handicapped students.

| Private School | Representative |
|---|---|
| a. | |
| b. | |
| c. | |
| d. | |
| e. | |

c. Show evidence that representatives of private schools have had a genuine opportunity to express their views regarding (a) and (b) above. For example - letters, minutes of meetings, response to participation checklist, concurrence with LEA initiated narrative, telephone contact record, etc.

(f) Places and times the students will receive special education services from the LEA.

| Student | Place of Service | Times in Sp. Ed. |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

(g) Describe in a narrative the differences, if any, between special education benefits provided by the LEA for public school students and private school students, and the reasons for the differences.

____________________________________________
____________________________________________
____________________________________________

DR. FRANK B. BROUILLET
Superintendent of Public Instruction
Old Capitol Building, FG-11, Olympia, WA 98504

SS/801/87